



## Senate

General Assembly

**File No. 436**

January Session, 2011

Substitute Senate Bill No. 1009

*Senate, April 7, 2011*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CREATING THE OFFICE OF GOVERNMENTAL ACCOUNTABILITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2011*) (a) There is established the  
2       Office of Governmental Accountability. The department head shall be  
3       the executive director, who shall be appointed by the Governor in  
4       accordance with the provisions of sections 4-5 to 4-8, inclusive, of the  
5       general statutes, as amended by this act, with the powers and duties as  
6       prescribed in said section 4-8.

7       (b) The Office of Governmental Accountability shall constitute a  
8       successor department to the Office of State Ethics, and within said  
9       office shall be the State Elections Enforcement Commission, Freedom  
10      of Information Commission, Judicial Review Council and State  
11      Contracting Standards Board. The transfer of functions, personnel  
12      powers, duties, obligations, including, but not limited to, contract  
13      obligations, the continuance of orders and regulations, the effect upon

14 pending actions and proceedings, the completion of unfinished  
15 business, and the transfer of records and property between the entities  
16 of (1) the Office of State Ethics, State Elections Enforcement  
17 Commission, Freedom of Information Commission, Judicial Review  
18 Council and State Contracting Standards Board as such entities existed  
19 immediately prior to July 1, 2011, and (2) the Office of Governmental  
20 Accountability shall be governed by the provisions of sections 4-38d, 4-  
21 38e and 4-39 of the general statutes.

22 (c) The Office of Governmental Accountability is the designated  
23 agency to administer and enforce the codes of state ethics, freedom of  
24 information requirements and campaign and election law  
25 requirements, to ensure that state contracting and procurement  
26 processes reflect the highest standards of integrity and efficiency and  
27 to investigate and resolve complaints alleging misconduct, disability,  
28 or substance abuse of state judges, family support magistrates and  
29 workers' compensation commissioners.

30 (d) The Office of Governmental Accountability shall adopt  
31 regulations in accordance with chapter 54 of the general statutes to  
32 carry out the provisions of this section and sections 2 and 21 of this act,  
33 sections 9-7a and 9-7b of the general statutes, as amended by this act,  
34 and chapters 10, 14, 26, 155 to 157, inclusive, and 872a of the general  
35 statutes.

36 (e) The executive director may employ necessary staff, within  
37 available appropriations. Such necessary staff of the Office of  
38 Governmental Accountability shall be in the classified state service.

39 (f) The executive director may enter into contracts for the furnishing  
40 by any person or agency, public or private, of services necessary for  
41 the proper execution of the duties of the office subject to the approval  
42 of the Attorney General in accordance with law.

43 (g) Except as otherwise limited by the provisions of chapter 10 of the  
44 general statutes, the executive director may accept contributions,  
45 grants, gifts, donations, services or other financial assistance from any

46 governmental unit, any public agency or the private sector. The  
47 executive director is authorized to apply for, receive and distribute any  
48 federal or private funds or contributions available for training and  
49 education of personnel.

50 (h) The executive director may perform any other acts that may be  
51 necessary and appropriate to carry out the functions of the department  
52 as set forth in this section and sections 2 and 21 of this act, sections 9-7a  
53 and 9-7b of the general statutes, as amended by this act, and chapters  
54 10, 14, 26, 155 to 157, inclusive, and 872a of the general statutes.

55 (i) The executive director shall submit to the Governor and the  
56 General Assembly an annual report relating to the activities,  
57 recommendations and accomplishments of the office, in accordance  
58 with the provisions of section 11-4a of the general statutes.

59 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) Within the Office of  
60 Governmental Accountability there shall be a legal affairs and  
61 enforcement division, a public affairs and services division and a  
62 business operations division.

63 (b) The legal affairs and enforcement division shall consist of such  
64 staff as hired by the executive director of the Office of General  
65 Accountability. The legal affairs and enforcement division shall  
66 investigate all complaints, provide advisory opinions and provide staff  
67 assistance to the Citizen's Ethics Advisory Board created pursuant to  
68 subsection (a) of section 1-80 of the general statutes, as amended by  
69 this act, the Judicial Review Council established under 51-51k of the  
70 general statutes, as amended by this act, and the State Elections  
71 Enforcement Commission established under section 9-7a of the general  
72 statutes, as amended by this act.

73 (c) The public affairs and services division shall consist of such staff  
74 as hired by the executive director and shall be responsible for contract  
75 management, providing staff support to the State Contracting  
76 Standards Board established under section 4e-2 of the general statutes,  
77 as amended by this act, and education on the codes of ethics under

78 chapter 10 of the general statutes, the Freedom of Information Act  
79 under chapter 14 of the general statutes, procurement practices and  
80 codes adopted under sections 4e-11 and 4e-12 of the general statutes,  
81 campaign finance disclosures under chapters 155 and 157 of the  
82 general statutes, and the Citizens' Election Program established under  
83 section 9-702 of the general statutes.

84 (d) The business operations division shall perform the  
85 administrative and business functions of the Office of Governmental  
86 Accountability.

87 Sec. 3. Subsection (a) of section 1-80 of the general statutes is  
88 repealed and the following is substituted in lieu thereof (*Effective July*  
89 *1, 2011*):

90 (a) [There shall be an Office of State Ethics that shall be an  
91 independent state agency and shall constitute a successor agency to the  
92 State Ethics Commission, in accordance with the provisions of sections  
93 4-38d and 4-39. Said office shall consist of an executive director,  
94 general counsel, ethics enforcement officer and such other staff as  
95 hired by the executive director. Within the Office of State Ethics,]  
96 Within the Office of Governmental Accountability, there shall be the  
97 Citizen's Ethics Advisory Board that shall consist of nine members,  
98 appointed as follows: One member shall be appointed by the speaker  
99 of the House of Representatives, one member by the president pro  
100 tempore of the Senate, one member by the majority leader of the  
101 Senate, one member by the minority leader of the Senate, one member  
102 by the majority leader of the House of Representatives, one member by  
103 the minority leader of the House of Representatives, and three  
104 members by the Governor. Members of the board shall serve for four-  
105 year terms which shall commence on October 1, 2005, except that  
106 members first appointed shall have the following terms: The Governor  
107 shall appoint two members for a term of three years and one member  
108 for a term of four years; the majority leader of the House of  
109 Representatives, minority leader of the House of Representatives and  
110 the speaker of the House of Representatives shall each appoint one

111 member for a term of two years; the president pro tempore of the  
112 Senate, the majority leader of the Senate and the minority leader of the  
113 Senate shall each appoint one member for a term of four years. No  
114 individual shall be appointed to more than one four-year term as a  
115 member of the board, provided, members may not continue in office  
116 once their term has expired and members first appointed may not be  
117 reappointed. No more than five members shall be members of the  
118 same political party. The members appointed by the majority leader of  
119 the Senate and the majority leader of the House of Representatives  
120 shall be selected from a list of nominees proposed by a citizen group  
121 having an interest in ethical government. The majority leader of the  
122 Senate and the majority leader of the House of Representatives shall  
123 each determine the citizen group from which each will accept such  
124 nominations. One member appointed by the Governor shall be  
125 selected from a list of nominees proposed by a citizen group having an  
126 interest in ethical government. The Governor shall determine the  
127 citizen group from which the Governor will accept such nominations.

128 Sec. 4. Subsections (h) and (i) of section 1-80 of the general statutes  
129 are repealed and the following is substituted in lieu thereof (*Effective*  
130 *July 1, 2011*):

131 (h) The members and employees of the Citizen's Ethics Advisory  
132 Board and the Office of [State Ethics] Governmental Accountability  
133 shall adhere to the following code of ethics under which the members  
134 and employees shall: (1) Observe high standards of conduct so that the  
135 integrity and independence of the Citizen's Ethics Advisory Board and  
136 the Office of [State Ethics] Governmental Accountability may be  
137 preserved; (2) respect and comply with the law and conduct  
138 themselves at all times in a manner which promotes public confidence  
139 in the integrity and impartiality of the board and the Office of [State  
140 Ethics] Governmental Accountability; (3) be faithful to the law and  
141 maintain professional competence in the law; (4) be unswayed by  
142 partisan interests, public clamor or fear of criticism; (5) maintain order  
143 and decorum in proceedings of the board and Office of [State Ethics]  
144 Governmental Accountability; (6) be patient, dignified and courteous

145 to all persons who appear [in] before the board or in the Office of [State  
146 Ethics] Governmental Accountability proceedings and with other  
147 persons with whom the members and employees deal in their official  
148 capacities; (7) refrain from making any statement outside of a board or  
149 Office of [State Ethics] Governmental Accountability proceeding,  
150 which would have a likelihood of prejudicing a board or Office of  
151 [State Ethics] Governmental Accountability proceeding; (8) refrain  
152 from making any statement outside of a board or Office of [State  
153 Ethics] Governmental Accountability proceeding that a reasonable  
154 person would expect to be disseminated by means of public  
155 communication if the member or employee should know that such  
156 statement would have a likelihood of materially prejudicing or  
157 embarrassing a complainant or a respondent; (9) preserve confidences  
158 of complainants and respondents; (10) exercise independent  
159 professional judgment on behalf of the board and Office of [State  
160 Ethics] Governmental Accountability; and (11) represent the board and  
161 Office of [State Ethics] Governmental Accountability competently.

162 (i) No member or employee of the board or Office of [State Ethics]  
163 Governmental Accountability may make a contribution, as defined in  
164 section 9-601a, to any person subject to the provisions of this part.

165 Sec. 5. Section 1-80e of the general statutes is repealed and the  
166 following is substituted in lieu thereof (*Effective July 1, 2011*):

167 The Chief Court Administrator shall designate ten judge trial  
168 referees who shall be available to the Office of [State Ethics]  
169 Governmental Accountability to: (1) Preside over and rule at any  
170 hearing of the Office of [State Ethics] Governmental Accountability;  
171 and (2) make findings as to probable cause following any investigation  
172 conducted by the [ethics enforcement officer of the] Office of [State  
173 Ethics] Governmental Accountability.

174 Sec. 6. Section 1-81 of the general statutes is repealed and the  
175 following is substituted in lieu thereof (*Effective July 1, 2011*):

176 (a) The [board and general counsel and staff] legal affairs and

177 enforcement division of the Office of [State Ethics] Governmental  
178 Accountability shall:

179 (1) Compile and maintain an index of all reports, advisory opinions,  
180 informal staff letters, memoranda issued in accordance with subsection  
181 (b) of section 1-82, as amended by this act, and statements filed by and  
182 with the [Office of State Ethics] office to facilitate public access to such  
183 reports and advisory opinions, informal staff letters, memoranda  
184 statements as provided by this part;

185 (2) Preserve advisory opinions and informal staff letters,  
186 permanently; preserve memoranda issued in accordance with  
187 subsection (b) of section 1-82, as amended by this act, and statements  
188 and reports filed by and with the [board] Citizen's Ethics Advisory  
189 Board for a period of five years from the date of receipt;

190 (3) Upon the concurring vote of a majority of the [board] Citizen's  
191 Ethics Advisory Board present and voting, issue advisory opinions  
192 with regard to the requirements of this part, upon the request of any  
193 person subject to the provisions of this part, and publish such advisory  
194 opinions in the Connecticut Law Journal. Advisory opinions rendered  
195 by the board, until amended or revoked, shall be binding on the board  
196 and shall be deemed to be final decisions of the board for purposes of  
197 appeal to the superior court, in accordance with the provisions of  
198 section 4-175 or 4-183. Any advisory opinion concerning the person  
199 who requested the opinion and who acted in reliance thereon, in good  
200 faith, shall be binding upon the board, and it shall be an absolute  
201 defense in any criminal action brought under the provisions of this  
202 part, that the accused acted in reliance upon such advisory opinion;

203 (4) Respond to inquiries and provide advice regarding the code of  
204 ethics either verbally or through informal letters; and

205 (5) Provide yearly training to all state employees regarding the code  
206 of ethics. [;]

207 [(6) Make legislative recommendations to the General Assembly and

208 report annually, prior to April fifteenth, to the Governor summarizing  
209 the activities of the commission;

210 (7) Meet not less than once per month with the office's executive  
211 director and ethics enforcement officer; and

212 (8) The commission may enter into such contractual agreements as  
213 may be necessary for the discharge of its duties, within the limits of its  
214 appropriated funds and in accordance with established procedures.

215 (b) The Office of State Ethics shall employ an executive director,  
216 general counsel and ethics enforcement officer, each of whom shall be  
217 exempt from classified state service. The salary for the executive  
218 director, general counsel and the ethics enforcement officer shall be  
219 determined by the Commissioner of Administrative Services in  
220 accordance with accepted personnel practices. No one person may  
221 serve in more than one of the positions described in this subsection.  
222 The Office of State Ethics may employ necessary staff within available  
223 appropriations. Such necessary staff of the Office of State Ethics shall  
224 be in classified state service.

225 (c) The executive director, described in subsection (b) of this section,  
226 shall be appointed by the Citizen's Ethics Advisory Board for an open-  
227 ended term. Such appointment shall not be made until all the initial  
228 board members appointed to terms commencing on October 1, 2005,  
229 are appointed by their respective appointing authorities, pursuant to  
230 subsection (a) of section 1-80. The board shall annually evaluate the  
231 performance of the executive director, in writing, and may remove the  
232 executive director, in accordance with the provisions of chapter 67.

233 (d) The general counsel and ethics enforcement officer described in  
234 subsection (b) of this section, and other staff of the Office of State  
235 Ethics shall be appointed by the executive director of the Office of State  
236 Ethics. The executive director shall annually evaluate the performance  
237 of the general counsel, ethics enforcement officer and such other staff,  
238 in writing, and may remove the general counsel or ethics enforcement  
239 officer, in accordance with the provisions of chapter 67, or such other



240 staff, in accordance with any applicable collective bargaining  
241 agreement.]

242 [(e)] (b) There shall be a legal unit within the legal and enforcement  
243 division within the Office of [State Ethics] Governmental  
244 Accountability. The legal [division] unit shall provide the [board]  
245 Citizen's Ethics Advisory Board with legal advice on matters before  
246 said board and shall represent the board in all matters in which the  
247 board is a party, without the assistance of the Attorney General unless  
248 the board requests such assistance. The legal [division] unit shall [,  
249 under the direction of the general counsel,] provide information and  
250 written and verbal opinions to persons subject to the ethics code and to  
251 the general public. [The general counsel, described in subsection (b) of  
252 this section, shall supervise such division.] The investigation or  
253 instigation of a complaint may not occur solely because of information  
254 received by the legal [division] unit.

255 [(f)] (c) There shall be an enforcement unit within the legal and  
256 enforcement division within the Office of [State Ethics] Governmental  
257 Accountability. The enforcement [division] unit shall be responsible  
258 for investigating complaints brought to or by the [board] Citizen's  
259 Ethics Advisory Board. [The ethics enforcement officer, described in  
260 subsection (b) of this section, shall supervise the enforcement division.]  
261 The enforcement [division] unit shall employ such attorneys and  
262 investigators, as necessary, within available appropriations, and may  
263 refer matters to the office of the Chief State's Attorney, as appropriate.

264 [(g)] (d) The [Citizen's Ethics Advisory Board] Office of  
265 Governmental Accountability shall adopt regulations in accordance  
266 with chapter 54 to carry out the purposes of this part. Such regulations  
267 shall not be deemed to govern the conduct of any judge trial referee in  
268 the performance of such judge trial referee's duties pursuant to this  
269 chapter.

270 [(h)] In consultation with the] (e) The executive director of the Office  
271 of [State Ethics, the general counsel] Governmental Accountability  
272 shall oversee yearly training of all state personnel in the code of ethics,

273 provide training on the code of ethics to other individuals or entities  
274 subject to the code and shall make recommendations as to public  
275 education regarding ethics.

276 Sec. 7. Section 1-82 of the general statutes is repealed and the  
277 following is substituted in lieu thereof (*Effective July 1, 2011*):

278 (a) (1) Upon the complaint of any person on a form prescribed by  
279 the [board] Office of Governmental Accountability, signed under  
280 penalty of false statement, or upon its own complaint, the [ethics  
281 enforcement officer of] legal and enforcement division within the  
282 Office of [State Ethics] Governmental Accountability shall investigate  
283 any alleged violation of this part or section 1-101nn. Not later than five  
284 days after the receipt or issuance of such complaint, the [board] office  
285 shall provide notice of such receipt or issuance and a copy of the  
286 complaint by registered or certified mail to any respondent against  
287 whom such complaint is filed and shall provide notice of the receipt of  
288 such complaint to the complainant. When the [ethics enforcement  
289 officer of the Office of State Ethics] office undertakes an evaluation of a  
290 possible violation of this part or section 1-101nn prior to the filing of a  
291 complaint, the subject of the evaluation shall be notified not later than  
292 five business days after an Office of [State Ethics] Governmental  
293 Accountability staff member's first contact with a third party  
294 concerning the matter.

295 (2) In the conduct of its investigation of an alleged violation of this  
296 part or section 1-101nn, the Office of [State Ethics] Governmental  
297 Accountability shall have the power to hold hearings, administer  
298 oaths, examine witnesses and receive oral and documentary evidence.  
299 The Office of [State Ethics] Governmental Accountability may  
300 subpoena witnesses under procedural rules adopted by the Citizen's  
301 Ethics Advisory Board as regulations in accordance with the  
302 provisions of chapter 54 to compel attendance before the Office of  
303 [State Ethics] Governmental Accountability and to require the  
304 production for examination by the [ethics enforcement officer of the]  
305 Office of [State Ethics] Governmental Accountability of any books and

306 papers which the Office of [State Ethics] Governmental Accountability  
307 deems relevant in any matter under investigation or in question,  
308 provided any such subpoena is issued either pursuant to a majority  
309 vote of the Citizen's Ethics Advisory Board or pursuant to the  
310 signature of the chairperson of such board. The vice-chairperson of  
311 such board may sign any such subpoena if the chairperson of such  
312 board is unavailable. In the exercise of such powers, the Office of [State  
313 Ethics] Governmental Accountability may use the services of the state  
314 police, who shall provide the same upon the office's request. The Office  
315 of [State Ethics] Governmental Accountability shall make a record of  
316 all proceedings conducted pursuant to this subsection. The [ethics  
317 enforcement officer of the] Office of [State Ethics] Governmental  
318 Accountability may bring any alleged violation of this part before a  
319 judge trial referee assigned by the Chief Court Administrator for such  
320 purpose for a probable cause hearing. Such judge trial referee shall be  
321 compensated in accordance with the provisions of section 52-434 from  
322 such funds as may be available to the Office of [State Ethics]  
323 Governmental Accountability. Any witness summoned before the  
324 Office of [State Ethics] Governmental Accountability or a judge trial  
325 referee pursuant to this subsection shall receive the witness fee paid to  
326 witnesses in the courts of this state. During any investigation  
327 conducted pursuant to this subsection or any probable cause hearing  
328 conducted pursuant to this subsection, the respondent shall have the  
329 right to appear and be heard and to offer any information which may  
330 tend to clear the respondent of probable cause to believe the  
331 respondent has violated any provision of this part or section 1-101nn.  
332 The respondent shall also have the right to be represented by legal  
333 counsel and to examine and cross-examine witnesses. Not later than  
334 ten days prior to the commencement of any hearing conducted  
335 pursuant to this subsection, the Office of [State Ethics] Governmental  
336 Accountability shall provide the respondent with a list of its intended  
337 witnesses. Any finding of probable cause to believe the respondent is  
338 in violation of any provisions of this part shall be made by a judge trial  
339 referee not later than thirty days after the [ethics enforcement officer]  
340 office brings such alleged violation before such judge trial referee,

341 except that such thirty-day limitation period shall not apply if the  
342 judge trial referee determines that good cause exists for extending such  
343 limitation period.

344 (b) If a judge trial referee determines that probable cause exists for  
345 the violation of a provision of this part or section 1-101nn, the board  
346 shall initiate hearings to determine whether there has been a violation  
347 of this part or section 1-101nn. Any such hearing shall be initiated by  
348 the board not later than thirty days after the finding of probable cause  
349 by a judge trial referee and shall be concluded not later than ninety  
350 days after its initiation, except that such thirty or ninety-day limitation  
351 period shall not apply if the judge trial referee determines that good  
352 cause exists for extending such limitation period. A judge trial referee,  
353 who has not taken part in the probable cause determination on the  
354 matter shall be assigned by the Chief Court Administrator and shall be  
355 compensated in accordance with section 52-434 out of funds available  
356 to the Office of [State Ethics] Governmental Accountability and shall  
357 preside over such hearing and rule on all issues concerning the  
358 application of the rules of evidence, which shall be the same as in  
359 judicial proceedings. The trial referee shall have no vote in any  
360 decision of the board. All hearings of the board held pursuant to this  
361 subsection shall be open. At such hearing the [board] Citizen's Ethics  
362 Advisory Board shall have the same powers as the Office of [State  
363 Ethics] Governmental Accountability under subsection (a) of this  
364 section and the respondent shall have the right to be represented by  
365 legal counsel, the right to compel attendance of witnesses and the  
366 production of books, documents, records and papers and to examine  
367 and cross-examine witnesses. Not later than ten days prior to the  
368 commencement of any hearing conducted pursuant to this subsection,  
369 the Office of [State Ethics] Governmental Accountability shall provide  
370 the respondent with a list of its intended witnesses. The judge trial  
371 referee shall, while engaged in the discharge of the duties as provided  
372 in this subsection, have the same authority as is provided in section 51-  
373 35 over witnesses who refuse to obey a subpoena or to testify with  
374 respect to any matter upon which such witness may be lawfully  
375 interrogated, and may commit any such witness for contempt for a

376 period no longer than thirty days. The Office of [State Ethics]  
377 Governmental Accountability shall make a record of all proceedings  
378 pursuant to this subsection. During the course of any such hearing, no  
379 ex-parte communication shall occur between the board, or any of its  
380 members, and: (1) The judge trial referee, or (2) any staff member of  
381 the [Enforcement Division] legal affairs and enforcement division of  
382 the Office of [State Ethics] Governmental Accountability, concerning  
383 the complaint or the respondent. The board shall find no person in  
384 violation of any provision of this part or section 1-101nn except upon  
385 the concurring vote of six of its members present and voting. No  
386 member of the [board] Citizen's Ethics Advisory Board shall vote on  
387 the question of whether a violation of any provision of this part has  
388 occurred unless such member was physically present for the duration  
389 of any hearing held pursuant to this subsection. Not later than fifteen  
390 days after the public hearing conducted in accordance with this  
391 subsection, the board shall publish its finding and a memorandum of  
392 the reasons therefor. Such finding and memorandum shall be deemed  
393 to be the final decision of the board on the matter for the purposes of  
394 chapter 54. The respondent, if aggrieved by the finding and  
395 memorandum, may appeal therefrom to the Superior Court in  
396 accordance with the provisions of section 4-183.

397 (c) If a judge trial referee finds, after a hearing pursuant to this  
398 section, that there is no probable cause to believe that a public official  
399 or state employee has violated a provision of this part or section 1-  
400 101nn, or if the [board] Citizen's Ethics Advisory Board determines  
401 that a public official or state employee has not violated any such  
402 provision, or if a court of competent jurisdiction overturns a finding by  
403 the board of a violation by such a respondent, the state shall pay the  
404 reasonable legal expenses of the respondent as determined by the  
405 Attorney General or by the court if appropriate. If any complaint  
406 brought under the provisions of this part or section 1-101nn is made  
407 with the knowledge that it is made without foundation in fact, the  
408 respondent shall have a cause of action against the complainant for  
409 double the amount of damage caused thereby and if the respondent  
410 prevails in such action, he may be awarded by the court the costs of

411 such action together with reasonable attorneys' fees.

412 (d) No complaint may be made under this section later than five  
413 years after the violation alleged in the complaint has been committed.

414 (e) No person shall take or threaten to take official action against an  
415 individual for such individual's disclosure of information to the board  
416 or the [general counsel, ethics enforcement officer or] staff of the Office  
417 of [State Ethics] Governmental Accountability under the provisions of  
418 this part or section 1-101nn. After receipt of information from an  
419 individual under the provisions of this part or section 1-101nn, the  
420 Office of [State Ethics] Governmental Accountability shall not disclose  
421 the identity of such individual without such individual's consent  
422 unless the Office of [State Ethics] Governmental Accountability  
423 determines that such disclosure is unavoidable during the course of an  
424 investigation. No person shall be subject to civil liability for any good  
425 faith disclosure that such person makes to the [commission] office.

426 Sec. 8. Section 1-81b of the general statutes is repealed and the  
427 following is substituted in lieu thereof (*Effective July 1, 2011*):

428 The Office of [State Ethics] Governmental Accountability shall  
429 develop a plain language summary of state ethics laws concerning (1)  
430 persons, firms and corporations submitting bids or proposals for state  
431 contracts, and (2) state contractors. The Office of [State Ethics]  
432 Governmental Accountability shall publish said summary on the  
433 Office of [State Ethics]' Governmental Accountability's web site.

434 Sec. 9. Section 1-81c of the general statutes is repealed and the  
435 following is substituted in lieu thereof (*Effective July 1, 2011*):

436 Not later than December 31, 2010, the Office of [State Ethics]  
437 Governmental Accountability shall [establish and] administer a  
438 program of mandatory training on the code of ethics for public officials  
439 as set forth in chapter 10. Such program shall provide such training to  
440 members of the General Assembly upon first election to the General  
441 Assembly, and for all members of the General Assembly every four

442 years beginning in 2011, except that, in the event there is a significant  
443 revision of the code of ethics for public officials, as determined by the  
444 Joint Committee on Legislative Management, said committee shall  
445 request that the Office of [State Ethics] Governmental Accountability  
446 conduct a training for all members of the General Assembly before the  
447 date of the next regularly scheduled training.

448 Sec. 10. Section 1-82a of the general statutes is repealed and the  
449 following is substituted in lieu thereof (*Effective July 1, 2011*):

450 (a) Unless a judge trial referee makes a finding of probable cause, a  
451 complaint alleging a violation of this part or section 1-101nn shall be  
452 confidential except upon the request of the respondent. An evaluation  
453 of a possible violation of this part or section 1-101nn by the Office of  
454 [State Ethics] Governmental Accountability prior to the filing of a  
455 complaint shall be confidential except upon the request of the subject  
456 of the evaluation. If the evaluation is confidential, any information  
457 supplied to or received from the Office of [State Ethics] Governmental  
458 Accountability shall not be disclosed to any third party by a subject of  
459 the evaluation, a person contacted for the purpose of obtaining  
460 information or by the [ethics enforcement officer or staff of the] Office  
461 of [State Ethics] Governmental Accountability. No provision of this  
462 subsection shall prevent the Office of [State Ethics] Governmental  
463 Accountability from reporting the possible commission of a crime to  
464 the Chief State's Attorney or other prosecutorial authority.

465 (b) An investigation conducted prior to a probable cause finding  
466 shall be confidential except upon the request of the respondent. If the  
467 investigation is confidential, the allegations in the complaint and any  
468 information supplied to or received from the Office of [State Ethics]  
469 Governmental Accountability shall not be disclosed during the  
470 investigation to any third party by a complainant, respondent, witness,  
471 designated party, or board or staff member of the Office of [State  
472 Ethics] Governmental Accountability.

473 (c) Not later than three business days after the termination of the  
474 investigation, the Office of [State Ethics] Governmental Accountability

475 shall inform the complainant and the respondent of its finding and  
476 provide them a summary of its reasons for making that finding. The  
477 Office of [State Ethics] Governmental Accountability shall publish its  
478 finding upon the respondent's request and may also publish a  
479 summary of its reasons for making such finding.

480 (d) If a judge trial referee makes a finding of no probable cause, the  
481 complaint and the record of the Office of [State Ethics'] Governmental  
482 Accountability's investigation shall remain confidential, except upon  
483 the request of the respondent and except that some or all of the record  
484 may be used in subsequent proceedings. No complainant, respondent,  
485 witness, designated party, or board or staff member of the Office of  
486 [State Ethics] Governmental Accountability shall disclose to any third  
487 party any information learned from the investigation, including  
488 knowledge of the existence of a complaint, which the disclosing party  
489 would not otherwise have known. If such a disclosure is made, the  
490 judge trial referee may, after consultation with the respondent if the  
491 respondent is not the source of the disclosure, publish the judge trial  
492 referee's finding and a summary of the judge trial referee's reasons  
493 therefor.

494 (e) The judge trial referee shall make public a finding of probable  
495 cause not later than five business days after any such finding. At such  
496 time the entire record of the investigation shall become public, except  
497 that the Office of [State Ethics] Governmental Accountability may  
498 postpone examination or release of such public records for a period not  
499 to exceed fourteen days for the purpose of reaching a stipulation  
500 agreement pursuant to subsection (c) of section 4-177. Any such  
501 stipulation agreement or settlement shall be approved by a majority of  
502 those members present and voting.

503 Sec. 11. Section 1-88 of the general statutes is repealed and the  
504 following is substituted in lieu thereof (*Effective July 1, 2011*):

505 (a) The [board] Citizen's Ethics Advisory Board, upon a finding  
506 made pursuant to section 1-82, as amended by this act, that there has  
507 been a violation of any provision of this part or section 1-101nn, shall



508 have the authority to order the violator to do any or all of the  
509 following: (1) Cease and desist the violation of this part or section 1-  
510 101nn; (2) file any report, statement or other information as required  
511 by this part or section 1-101nn; and (3) pay a civil penalty of not more  
512 than ten thousand dollars for each violation of this part or section 1-  
513 101nn.

514 (b) Notwithstanding the provisions of subsection (a) of this section,  
515 the [board] Citizen's Ethics Advisory Board may, after a hearing  
516 conducted in accordance with sections 4-176e to 4-184, inclusive, upon  
517 the concurring vote of six of its members, present and voting impose a  
518 civil penalty not to exceed ten dollars per day upon any individual  
519 who fails to file any report, statement or other information as required  
520 by this part or section 1-101nn. Each distinct violation of this  
521 subsection shall be a separate offense and in case of a continued  
522 violation, each day thereof shall be deemed a separate offense. In no  
523 event shall the aggregate penalty imposed for such failure to file  
524 exceed ten thousand dollars.

525 (c) The [board] Citizen's Ethics Advisory Board may also report its  
526 finding to the Chief State's Attorney for any action deemed necessary.  
527 The board, upon a finding made pursuant to section 1-82, as amended  
528 by this act, that a member or member-elect of the General Assembly  
529 has violated any provision of this part or section 1-101nn, shall notify  
530 the appropriate house of the General Assembly, in writing, of such  
531 finding and the basis for such finding.

532 (d) Any person who knowingly acts in such person's financial  
533 interest in violation of section 1-84, 1-85, 1-86 or 1-86d or any person  
534 who knowingly receives a financial advantage resulting from a  
535 violation of any of said sections shall be liable for damages in the  
536 amount of such advantage. If the board determines that any person  
537 may be so liable, it shall immediately inform the Attorney General of  
538 that possibility.

539 (e) Any employee of the Office of [State Ethics] Governmental  
540 Accountability or member of the Citizen's Ethics Advisory Board who,

541 in violation of this part or section 1-101nn, discloses information filed  
542 in accordance with subparagraph (F) of subdivision (1) of subsection  
543 (b) of section 1-83, shall be dismissed, if an employee, or removed from  
544 the board, if a member.

545 Sec. 12. Section 1-92 of the general statutes is repealed and the  
546 following is substituted in lieu thereof (*Effective July 1, 2011*):

547 (a) The [Citizen's Ethics Advisory Board] Office of Governmental  
548 Accountability shall adopt regulations, in accordance with chapter 54,  
549 to carry out the purposes of this part. Such regulations shall not be  
550 deemed to govern the conduct of any judge trial referee in the  
551 performance of such judge trial referee's duties pursuant to this  
552 chapter. Not later than January 1, 1992, the board shall adopt  
553 regulations which further clarify the meaning of the terms "directly  
554 and personally received" and "major life event", as used in subsection  
555 (e) of section 1-79 and subsection (g) of section 1-91.

556 (b) The [general counsel and staff of the] Office of [State Ethics]  
557 Governmental Accountability shall compile and maintain an index of  
558 all reports and statements filed with the [Office of State Ethics] office  
559 under the provisions of this part and advisory opinions and informal  
560 staff letters issued by the board with regard to the requirements of this  
561 part, to facilitate public access to such reports, statements, letters and  
562 advisory opinions promptly upon the filing or issuance thereof.

563 (c) The [general counsel and staff of the] Office of [State Ethics]  
564 Governmental Accountability shall prepare quarterly and annual  
565 summaries of statements and reports filed with the [Office of State  
566 Ethics] office and advisory opinions and informal staff letters issued by  
567 the [Office of State Ethics] office.

568 (d) The [general counsel and staff of the] Office of [State Ethics]  
569 Governmental Accountability shall preserve advisory opinions and  
570 informal staff letters permanently and shall preserve memoranda,  
571 statements and reports filed by and with the [Office of State Ethics]  
572 office for a period of five years from the date of receipt.

573 (e) Upon the concurring vote of a majority of its members present  
574 and voting, the board shall issue advisory opinions with regard to the  
575 requirements of this part, upon the request of any person, subject to  
576 the provisions of this part, and publish such advisory opinions in the  
577 Connecticut Law Journal. Advisory opinions rendered by the board,  
578 until amended or revoked, shall be binding on the board and shall be  
579 deemed to be final decisions of the board for purposes of appeal to the  
580 superior court, in accordance with the provisions of section 4-175 or 4-  
581 183. Any advisory opinion concerning any person subject to the  
582 provisions of this part who requested the opinion and who acted in  
583 reliance thereon, in good faith, shall be binding upon the board, and it  
584 shall be an absolute defense in any criminal action brought under the  
585 provisions of this part that the accused acted in reliance upon such  
586 advisory opinion.

587 [(f) The Office of State Ethics shall report annually, prior to February  
588 fifteenth, to the Governor summarizing the activities of the Office of  
589 State Ethics.

590 (g) The Office of State Ethics shall employ necessary staff within  
591 available appropriations.]

592 Sec. 13. Section 1-93 of the general statutes is repealed and the  
593 following is substituted in lieu thereof (*Effective July 1, 2011*):

594 (a) (1) Upon the complaint of any person on a form prescribed by  
595 the Office of [State Ethics] Governmental Accountability, signed under  
596 penalty of false statement, or upon its own complaint, the [ethics  
597 enforcement officer of the] Office of [State Ethics] Governmental  
598 Accountability shall investigate any alleged violation of this part. Not  
599 later than five days after the receipt or issuance of such complaint, the  
600 Office of [State Ethics] Governmental Accountability shall provide  
601 notice of such receipt or issuance and a copy of the complaint by  
602 registered or certified mail to any respondent against whom such  
603 complaint is filed and shall provide notice of the receipt of such  
604 complaint to the complainant. When the Office of [State Ethics]  
605 Governmental Accountability undertakes an evaluation of a possible

606 violation of this part prior to the filing of a complaint, the subject of the  
607 evaluation shall be notified not later than five business days after a  
608 staff member of the Office of [State Ethics] Governmental  
609 Accountability undertakes the first contact with a third party  
610 concerning the matter.

611 (2) In the conduct of its investigation of an alleged violation of this  
612 part, the Office of [State Ethics] Governmental Accountability shall  
613 have the power to hold hearings, administer oaths, examine witnesses  
614 and receive oral and documentary evidence. The Office of [State  
615 Ethics] Governmental Accountability may subpoena witnesses under  
616 procedural rules adopted [by the Citizen's Ethics Advisory Board] as  
617 regulations in accordance with the provisions of chapter 54 to compel  
618 attendance before the Office of [State Ethics] Governmental  
619 Accountability and to require the production for examination by the  
620 [ethics enforcement officer of the] Office of [State Ethics]  
621 Governmental Accountability of any books and papers which the  
622 [ethics enforcement officer of the Office of State Ethics] office deems  
623 relevant in any matter under investigation or in question, provided  
624 any such subpoena is issued either pursuant to a majority vote of the  
625 Citizen's Ethics Advisory Board or pursuant to the signature of the  
626 chairperson of such board. The vice-chairperson of such board may  
627 sign any such subpoena if the chairperson of such board is unavailable.  
628 In the exercise of such powers, the Office of [State Ethics]  
629 Governmental Accountability may use the services of the state police,  
630 who shall provide the same upon the office's request. The Office of  
631 [State Ethics] Governmental Accountability shall make a record of all  
632 proceedings conducted pursuant to this subsection. Any witness  
633 summoned before the Office of [State Ethics] Governmental  
634 Accountability or a judge trial referee pursuant to this subsection shall  
635 receive the witness fee paid to witnesses in the courts of this state. The  
636 [ethics enforcement officer of the] Office of [State Ethics]  
637 Governmental Accountability may bring any alleged violation of this  
638 part before a judge trial referee assigned by the Chief Court  
639 Administrator for such purpose for a probable cause hearing. Such  
640 judge trial referee shall be compensated in accordance with the

641 provisions of section 52-434 from such funds as may be available to the  
642 Office of [State Ethics] Governmental Accountability. The respondent  
643 shall have the right to appear at any hearing held pursuant to this  
644 subsection and be heard and to offer any information which may tend  
645 to clear the respondent of probable cause to believe the respondent has  
646 violated any provision of this part. The respondent shall also have the  
647 right to be represented by legal counsel and to examine and cross-  
648 examine witnesses. Not later than ten days prior to the commencement  
649 of any hearing conducted pursuant to this subsection, the Office of  
650 [State Ethics] Governmental Accountability shall provide the  
651 respondent with a list of its intended witnesses. Any finding of  
652 probable cause to believe the respondent is in violation of any  
653 provision of this part shall be made by a judge trial referee not later  
654 than thirty days after the [ethics enforcement officer] office brings such  
655 alleged violation before such judge trial referee, except that such thirty-  
656 day limitation period shall not apply if the judge trial referee  
657 determines that good cause exists for extending such limitation period.

658 (b) If a judge trial referee indicates that probable cause exists for the  
659 violation of a provision of this part, the board shall initiate hearings to  
660 determine whether there has been a violation of this part. Any such  
661 hearing shall be initiated by the board not later than thirty days after  
662 the finding of probable cause by a judge trial referee and shall be  
663 concluded not later than ninety days after its initiation, except that  
664 such thirty-day or ninety-day limitation period shall not apply if the  
665 judge trial referee determines that good cause exists for extending such  
666 limitation period. A judge trial referee, who has not taken part in the  
667 probable cause determination on the matter shall be assigned by the  
668 Chief Court Administrator and shall be compensated in accordance  
669 with section 52-434 out of funds available to the board and shall  
670 preside over such hearing and rule on all issues concerning the  
671 application of the rules of evidence, which shall be the same as in  
672 judicial proceedings. The trial referee shall have no vote in any  
673 decision of the board. All hearings of the board held pursuant to this  
674 subsection shall be open. At such hearing the board shall have the  
675 same powers as the Office of [State Ethics] Governmental

676 Accountability under subsection (a) of this section and the respondent  
677 shall have the right to be represented by legal counsel, the right to  
678 compel attendance of witnesses and the production of books,  
679 documents, records and papers and to examine and cross-examine  
680 witnesses. Not later than ten days prior to the commencement of any  
681 hearing conducted pursuant to this subsection, the Office of [State  
682 Ethics] Governmental Accountability shall provide the respondent  
683 with a list of its intended witnesses. The judge trial referee shall, while  
684 engaged in the discharge of the duties as provided in this subsection,  
685 have the same authority as is provided in section 51-35 over witnesses  
686 who refuse to obey a subpoena or to testify with respect to any matter  
687 upon which such witness may be lawfully interrogated, and may  
688 commit any such witness for contempt for a period no longer than  
689 thirty days. The Office of [State Ethics] Governmental Accountability  
690 shall make a record of all proceedings pursuant to this subsection.  
691 During the course of any such hearing, no ex-parte communication  
692 shall occur between the board, or any of its members, and: (1) The  
693 judge trial referee, or (2) any staff member of the [Enforcement  
694 Division] enforcement unit of the Office of [State Ethics] Governmental  
695 Accountability, concerning the complaint or the respondent. The board  
696 shall find no person in violation of any provision of this part except  
697 upon the concurring vote of six of its members present and voting. No  
698 member of the board shall vote on the question of whether a violation  
699 of any provision of this part has occurred unless such member was  
700 physically present for the duration of any hearing held pursuant to this  
701 subsection. Not later than fifteen days after the public hearing  
702 conducted in accordance with this subsection, the board shall publish  
703 its finding and a memorandum of the reasons therefor. Such finding  
704 and memorandum shall be deemed to be the final decision of the  
705 board on the matter for the purposes of chapter 54. The respondent, if  
706 aggrieved by the finding and memorandum, may appeal therefrom to  
707 the Superior Court in accordance with the provisions of section 4-183.

708 (c) If any complaint brought under the provisions of this part is  
709 made with the knowledge that it is made without foundation in fact,  
710 the respondent shall have a cause of action against the complainant for

711 double the amount of damage caused thereby and if the respondent  
712 prevails in such action, the respondent may be awarded by the court  
713 the costs of such action together with reasonable attorneys' fees.

714 (d) No complaint may be made under this section except within five  
715 years next after the violation alleged in the complaint has been  
716 committed.

717 (e) No person shall take or threaten to take official action against an  
718 individual for such individual's disclosure of information to the board  
719 or the [general counsel, ethics enforcement officer or] staff of the Office  
720 of [State Ethics] Governmental Accountability under the provisions of  
721 this part. After receipt of information from an individual under the  
722 provisions of this part, the Office of [State Ethics] Governmental  
723 Accountability shall not disclose the identity of such individual  
724 without such person's consent unless the Office of [State Ethics]  
725 Governmental Accountability determines that such disclosure is  
726 unavoidable during the course of an investigation.

727 Sec. 14. Section 1-96 of the general statutes is repealed and the  
728 following is substituted in lieu thereof (*Effective July 1, 2011*):

729 (a) Each client lobbyist registrant shall file with the Office of [State  
730 Ethics] Governmental Accountability between the first and tenth day  
731 of April, July and January a financial report, signed under penalty of  
732 false statement. The April and July reports shall cover its lobbying  
733 activities during the previous calendar quarter and the January report  
734 shall cover its lobbying activities during the previous two calendar  
735 quarters. In addition to such reports, each client lobbyist registrant  
736 which attempts to influence legislative action shall file, under penalty  
737 of false statement, interim monthly reports of its lobbying activities for  
738 each month the General Assembly is in regular session, except that no  
739 monthly report shall be required for any month in which it neither  
740 expends nor agrees to expend one hundred dollars or more in  
741 furtherance of lobbying. Such interim monthly reports shall be filed  
742 with the Office of [State Ethics] Governmental Accountability no later  
743 than the tenth day of the month following the last day of the month

744 reported. If the client lobbyist registrant is not an individual, an  
745 authorized officer or agent of the client lobbyist registrant shall sign  
746 the form. A communicator lobbyist for a municipality or any  
747 subdivision of a municipality, a branch of state government or any  
748 subdivision of state government or a quasi-public agency shall file the  
749 reports described in this subsection utilizing the client lobbyist  
750 reporting schedule.

751 (b) Each individual communicator lobbyist registrant and each  
752 business organization communicator lobbyist registrant shall file with  
753 the Office of [State Ethics] Governmental Accountability between the  
754 first and tenth day of January a report or reports, signed under penalty  
755 of false statement, reporting the amounts of compensation and  
756 reimbursement received from each of his clients during the previous  
757 year. In addition, each individual communicator lobbyist registrant  
758 and each business organization communicator lobbyist registrant shall:  
759 (1) Report the fundamental terms of contracts, agreements or promises  
760 to pay or receive compensation or reimbursement or to make  
761 expenditures in furtherance of lobbying, including the categories of  
762 work to be performed and the dollar value or compensation rate of the  
763 contract, at the time of registration; (2) report, in accordance with the  
764 schedule set forth in subsection (a) of this section, any amendments to  
765 these fundamental terms, including any agreements to subcontract  
766 lobbying work; and (3) report, in accordance with the provisions of  
767 subsection (a) of this section, any expenditures for the benefit of a  
768 public official in the legislative or executive branch or a member of the  
769 staff or immediate family of such official which are unreimbursed and  
770 required to be itemized. Such report shall not include the disclosure of  
771 food and beverage provided by a communicator lobbyist registrant to  
772 a public official in the legislative or executive branch or a member of  
773 his staff or immediate family at a major life event, as defined by the  
774 Citizen's Ethics Advisory Board, of the registrant. All such information  
775 shall be reported under penalty of false statement.

776 (c) An individual communicator lobbyist registrant shall file a  
777 separate report for each person from whom he received compensation



778 or reimbursement. Notwithstanding any provision of this subsection to  
779 the contrary, a business organization to which one or more individual  
780 communicator lobbyist registrants belong may file a single report for  
781 each client lobbyist in lieu of any separate reports that individual  
782 registrants are required to file pursuant to this subsection.

783 (d) Each registrant who files a notice of termination under  
784 subsection (c) of section 1-95 shall file with the Office of [State Ethics]  
785 Governmental Accountability a financial report, under penalty of false  
786 statement, between the first and tenth day of January of the year  
787 following termination.

788 (e) Each client lobbyist registrant financial report shall be on a form  
789 prescribed by the board and shall state expenditures made and the  
790 fundamental terms of contracts, agreements or promises to pay  
791 compensation or reimbursement or to make expenditures in  
792 furtherance of lobbying. Any such fundamental terms shall be  
793 reported once in the monthly, quarterly or post-termination report  
794 next following the entering into of such contract. Such financial report  
795 shall include an itemized statement of each expenditure of ten dollars  
796 or more per person for each occasion made by the reporting registrant  
797 or a group of registrants which includes the reporting registrant for the  
798 benefit of a public official in the legislative or executive branch, a  
799 member of his staff or immediate family, itemized by date, beneficiary,  
800 amount and circumstances of the transaction. The requirement of an  
801 itemized statement shall not apply to an expenditure made by a  
802 reporting registrant or a group of registrants which includes the  
803 reporting registrant for (1) the benefit of the members of the General  
804 Assembly at an event that is a reception to which all such members are  
805 invited or all members of a region of the state, as such term is used in  
806 subdivision (11) of subsection (g) of section 1-91, are invited, unless the  
807 expenditure is thirty dollars or more per person, or (2) benefits  
808 personally and directly received by a public official or state employee  
809 at a charitable or civic event at which the public official or state  
810 employee participates in his official capacity, unless the expenditure is  
811 thirty dollars or more per person, per event. If the compensation is

812 required to be reported for an individual whose lobbying is incidental  
813 to his regular employment, it shall be sufficient to report a prorated  
814 amount based on the value of the time devoted to lobbying. On the  
815 first financial report following registration each client lobbyist  
816 registrant shall include any expenditures incident to lobbying activities  
817 which were received or expended prior to registration and not  
818 previously reported to the Office of [State Ethics] Governmental  
819 Accountability.

820 (f) The [Citizen's Ethics Advisory Board] Office of Governmental  
821 Accountability shall, by regulations adopted in accordance with  
822 chapter 54, establish minimum amounts for each item required to be  
823 reported, below which reporting may be made in the aggregate. The  
824 provisions of this subsection shall not apply to expenditures made for  
825 the benefit of a public official or a member of such person's staff or  
826 immediate family.

827 (g) Each former registrant shall (1) report receipts or expenditures  
828 incident to lobbying activities during his period of registration which  
829 are received or expended following termination of registration and (2)  
830 report each expenditure of ten dollars or more per person for each  
831 occasion made by him for the benefit of a public official or a member  
832 of such official's immediate family or staff which occurs within six  
833 months after termination of registration.

834 (h) The Office of [State Ethics] Governmental Accountability shall,  
835 within thirty days after receipt of a financial report which contains the  
836 name of a public official in the legislative or executive branch or a  
837 member of such official's staff or immediate family, send a written  
838 notice to such public official, of the filing of the report and the name of  
839 the person who filed it.

840 Sec. 15. Section 1-101 of the general statutes is repealed and the  
841 following is substituted in lieu thereof (*Effective July 1, 2011*):

842 Each individual who is a lobbyist shall, while engaged in lobbying,  
843 wear a distinguishing badge which shall identify him as a lobbyist.

844 The size, color, material and other requirements of such badge shall be  
845 prescribed by regulation of the [Citizen's Ethics Advisory Board]  
846 Office of Governmental Accountability.

847 Sec. 16. Section 1-205 of the general statutes is repealed and the  
848 following is substituted in lieu thereof (*Effective July 1, 2011*):

849 (a) [There] Within the Office of Governmental Accountability, there  
850 shall be a Freedom of Information Commission consisting of five  
851 members appointed by the Governor, with the advice and consent of  
852 either house of the General Assembly, who shall serve for terms of  
853 four years from the July first of the year of their appointment, except  
854 that of the members appointed prior to and serving on July 1, 1977, one  
855 shall serve for a period of six years from July 1, 1975, one shall serve  
856 for a period of four years from July 1, 1975, and one shall serve for a  
857 period of six years from July 1, 1977. Of the two new members first  
858 appointed after July 1, 1977, one shall serve from the date of such  
859 appointment until June 30, 1980, and one shall serve from the date of  
860 such appointment until June 30, 1982. No more than three members  
861 shall be members of the same political party.

862 (b) Each member shall receive two hundred dollars per day for each  
863 day such member is present at a commission hearing or meeting, and  
864 shall be entitled to reimbursement for actual and necessary expenses  
865 incurred in connection therewith, in accordance with the provisions of  
866 section 4-1.

867 (c) The Governor shall select one of its members as a chairman. The  
868 commission shall maintain a permanent office [at Hartford] in such  
869 suitable space as the Commissioner of Public Works provides. All  
870 papers required to be filed with the commission shall be delivered to  
871 such office.

872 (d) The commission shall, subject to the provisions of the Freedom  
873 of Information Act promptly review the alleged violation of said  
874 Freedom of Information Act and issue an order pertaining to the same.  
875 [Said commission] The legal affairs and enforcement division of the

876 Office of Governmental Accountability shall have the power to  
877 investigate all alleged violations of said Freedom of Information Act  
878 and may for the purpose of investigating any violation hold a hearing,  
879 administer oaths, examine witnesses, receive oral and documentary  
880 evidence, have the power to subpoena witnesses under procedural  
881 rules adopted by the commission to compel attendance and to require  
882 the production for examination of any books and papers which the  
883 commission deems relevant in any matter under investigation or in  
884 question. In case of a refusal to comply with any such subpoena or to  
885 testify with respect to any matter upon which that person may be  
886 lawfully interrogated, the superior court for the judicial district of  
887 Hartford, on application of the commission, may issue an order  
888 requiring such person to comply with such subpoena and to testify;  
889 failure to obey any such order of the court may be punished by the  
890 court as a contempt thereof.

891 (e) The [Freedom of Information Commission] Office of  
892 Governmental Accountability, and the Department of Information  
893 Technology with respect to access to and disclosure of computer-  
894 stored public records, shall conduct training sessions, at least annually,  
895 for members of public agencies for the purpose of educating such  
896 members as to the requirements of sections 1-7 to 1-14, inclusive, 1-16  
897 to 1-18, inclusive, 1-200 to 1-202, inclusive, 1-205, as amended by this  
898 act, 1-206, as amended by this act, 1-210 to 1-217, inclusive, 1-225 to 1-  
899 232, inclusive, 1-240, 1-241 and 19a-342.

900 (f) Not later than December 31, [2001] 2010, the [Freedom of  
901 Information Commission] Office of Governmental Accountability shall  
902 create, publish and provide to the chief elected official of each  
903 municipality a model ordinance concerning the establishment by any  
904 municipality of a municipal freedom of information advisory board to  
905 facilitate the informed and efficient exchange of information between  
906 the commission and such municipality. The commission may amend  
907 the model ordinance from time to time.

908 (g) When the General Assembly is in session, the Governor shall

909 have the authority to fill any vacancy on the commission, with the  
910 advice and consent of either house of the General Assembly. When the  
911 General Assembly is not in session any vacancy shall be filled  
912 pursuant to the provisions of section 4-19. A vacancy in the  
913 commission shall not impair the right of the remaining members to  
914 exercise all the powers of the commission and three members of the  
915 commission shall constitute a quorum.

916 [(h) The commission shall, subject to the provisions of chapter 67,  
917 employ such employees as may be necessary to carry out the  
918 provisions of this chapter. The commission may enter into such  
919 contractual agreements as may be necessary for the discharge of its  
920 duties, within the limits of its appropriated funds and in accordance  
921 with established procedures.]

922 [(i)] (h) The Freedom of Information Commission shall not be  
923 construed to be a commission or board within the meaning of section  
924 4-9a.

925 Sec. 17. Subsection (b) of section 1-206 of the general statutes is  
926 repealed and the following is substituted in lieu thereof (*Effective July*  
927 *1, 2011*):

928 (b) (1) Any person denied the right to inspect or copy records under  
929 section 1-210 or wrongfully denied the right to attend any meeting of a  
930 public agency or denied any other right conferred by the Freedom of  
931 Information Act may appeal therefrom to the [Freedom of Information  
932 Commission] Office of Governmental Accountability, by filing a notice  
933 of appeal with said [commission] office. A notice of appeal shall be  
934 filed not later than thirty days after such denial, except in the case of  
935 an unnoticed or secret meeting, in which case the appeal shall be filed  
936 not later than thirty days after the person filing the appeal receives  
937 notice in fact that such meeting was held. For purposes of this  
938 subsection, such notice of appeal shall be deemed to be filed on the  
939 date it is received by said [commission] office or on the date it is  
940 postmarked, if received more than thirty days after the date of the  
941 denial from which such appeal is taken. Upon receipt of such notice,

942 the [commission] office shall serve upon all parties, by certified or  
943 registered mail, a copy of such notice together with any other notice or  
944 order of such [commission] office. In the case of the denial of a request  
945 to inspect or copy records contained in a public employee's personnel  
946 or medical file or similar file under subsection (c) of section 1-214, the  
947 [commission] office shall include with its notice or order an order  
948 requiring the public agency to notify any employee whose records are  
949 the subject of an appeal, and the employee's collective bargaining  
950 representative, if any, of the commission's proceedings and, if any such  
951 employee or collective bargaining representative has filed an objection  
952 under said subsection (c), the agency shall provide the required notice  
953 to such employee and collective bargaining representative by certified  
954 mail, return receipt requested or by hand delivery with a signed  
955 receipt. A public employee whose personnel or medical file or similar  
956 file is the subject of an appeal under this subsection may intervene as a  
957 party in the proceedings on the matter before the commission. [Said  
958 commission] The Freedom of Information Commission shall, after due  
959 notice to the parties, hear and decide the appeal within one year after  
960 the filing of the notice of appeal. The [commission] Office of  
961 Governmental Accountability shall adopt regulations in accordance  
962 with chapter 54, establishing criteria for those appeals which shall be  
963 privileged in their assignment for hearing. Any such appeal shall be  
964 heard not later than thirty days after receipt of a notice of appeal and  
965 decided not later than sixty days after the hearing. If a notice of appeal  
966 concerns an announced agency decision to meet in executive session or  
967 an ongoing agency practice of meeting in executive sessions, for a  
968 stated purpose, the [commission] office or a member or members of  
969 the [commission] Freedom of Information Commission designated by  
970 its chairperson shall serve notice upon the parties in accordance with  
971 this section and hold a preliminary hearing on the appeal not later  
972 than seventy-two hours after receipt of the notice, provided such  
973 notice shall be given to the parties at least forty-eight hours prior to  
974 such hearing. During such preliminary hearing, the commission shall  
975 take evidence and receive testimony from the parties. If after the  
976 preliminary hearing the commission finds probable cause to believe

977 that the agency decision or practice is in violation of sections 1-200 and  
978 1-225, the agency shall not meet in executive session for such purpose  
979 until the commission decides the appeal. If probable cause is found by  
980 the commission, it shall conduct a final hearing on the appeal and  
981 render its decision not later than five days after the completion of the  
982 preliminary hearing. Such decision shall specify the commission's  
983 findings of fact and conclusions of law.

984 (2) In any appeal to the Freedom of Information Commission under  
985 subdivision (1) of this subsection or subsection (c) of this section, the  
986 commission may confirm the action of the agency or order the agency  
987 to provide relief that the commission, in its discretion, believes  
988 appropriate to rectify the denial of any right conferred by the Freedom  
989 of Information Act. The commission may declare null and void any  
990 action taken at any meeting which a person was denied the right to  
991 attend and may require the production or copying of any public  
992 record. In addition, upon the finding that a denial of any right created  
993 by the Freedom of Information Act was without reasonable grounds  
994 and after the custodian or other official directly responsible for the  
995 denial has been given an opportunity to be heard at a hearing  
996 conducted in accordance with sections 4-176e to 4-184, inclusive, the  
997 commission may, in its discretion, impose against the custodian or  
998 other official a civil penalty of not less than twenty dollars nor more  
999 than one thousand dollars. If the commission finds that a person has  
1000 taken an appeal under this subsection frivolously, without reasonable  
1001 grounds and solely for the purpose of harassing the agency from  
1002 which the appeal has been taken, after such person has been given an  
1003 opportunity to be heard at a hearing conducted in accordance with  
1004 sections 4-176e to 4-184, inclusive, the commission may, in its  
1005 discretion, impose against that person a civil penalty of not less than  
1006 twenty dollars nor more than one thousand dollars. The commission  
1007 shall notify a person of a penalty levied against him pursuant to this  
1008 subsection by written notice sent by certified or registered mail. If a  
1009 person fails to pay the penalty within thirty days of receiving such  
1010 notice, the superior court for the judicial district of Hartford shall, on  
1011 application of the commission, issue an order requiring the person to

1012 pay the penalty imposed. If the executive director of the [commission]  
1013 office has reason to believe an appeal under subdivision (1) of this  
1014 subsection or subsection (c) of this section (A) presents a claim beyond  
1015 the commission's jurisdiction; (B) would perpetrate an injustice; or (C)  
1016 would constitute an abuse of the commission's administrative process,  
1017 the executive director shall not schedule the appeal for hearing  
1018 without first seeking and obtaining leave of the commission. The  
1019 commission shall provide due notice to the parties and review  
1020 affidavits and written argument that the parties may submit and grant  
1021 or deny such leave summarily at its next regular meeting. The  
1022 commission shall grant such leave unless it finds that the appeal: (i)  
1023 Does not present a claim within the commission's jurisdiction; (ii)  
1024 would perpetrate an injustice; or (iii) would constitute an abuse of the  
1025 commission's administrative process. Any party aggrieved by the  
1026 commission's denial of such leave may apply to the superior court for  
1027 the judicial district of Hartford, within fifteen days of the commission  
1028 meeting at which such leave was denied, for an order requiring the  
1029 commission to hear such appeal.

1030 (3) In making the findings and determination under subdivision (2)  
1031 of this subsection the commission shall consider the nature of any  
1032 injustice or abuse of administrative process, including but not limited  
1033 to: (A) The nature, content, language or subject matter of the request or  
1034 the appeal; (B) the nature, content, language or subject matter of prior  
1035 or contemporaneous requests or appeals by the person making the  
1036 request or taking the appeal; and (C) the nature, content, language or  
1037 subject matter of other verbal and written communications to any  
1038 agency or any official of any agency from the person making the  
1039 request or taking the appeal.

1040 (4) Notwithstanding any provision of this subsection to the  
1041 contrary, in the case of an appeal to the commission of a denial by a  
1042 public agency, the commission may, upon motion of such agency,  
1043 confirm the action of the agency and dismiss the appeal without a  
1044 hearing if it finds, after examining the notice of appeal and construing  
1045 all allegations most favorably to the appellant, that (A) the agency has



1046 not violated the Freedom of Information Act, or (B) the agency has  
1047 committed a technical violation of the Freedom of Information Act that  
1048 constitutes a harmless error that does not infringe the appellant's rights  
1049 under said act.

1050 Sec. 18. Subsection (f) of section 1-212 of the general statutes is  
1051 repealed and the following is substituted in lieu thereof (*Effective July*  
1052 *1, 2011*):

1053 (f) The Secretary of the State, after consulting with the [chairperson  
1054 of the Freedom of Information Commission] executive director of the  
1055 Office of Governmental Accountability, the Commissioner of  
1056 Correction and a representative of the Judicial Department, shall  
1057 propose a fee structure for copies of public records provided to an  
1058 inmate, as defined in section 18-84, in accordance with subsection (a) of  
1059 this section. The Secretary of the State shall submit such proposed fee  
1060 structure to the joint standing committee of the General Assembly  
1061 having cognizance of matters relating to government administration,  
1062 not later than January 15, 2000.

1063 Sec. 19. Section 4e-2 of the general statutes is repealed and the  
1064 following is substituted in lieu thereof (*Effective July 1, 2011*):

1065 (a) [There] Within the Office of Governmental Accountability there  
1066 is established a State Contracting Standards Board that shall consist of  
1067 fourteen members appointed as follows: Eight members by the  
1068 Governor, two members by the speaker of the House of  
1069 Representatives, two members by the president pro tempore of the  
1070 Senate, one member by the majority leader of the Senate and one  
1071 member by the majority leader of the House of Representatives. In the  
1072 event that the party of the Governor also controls both houses of the  
1073 General Assembly, the board shall be appointed as follows: Eight  
1074 members by the Governor, one member by the president pro tempore  
1075 of the Senate, one member by the speaker of the House of  
1076 Representatives, one member by the majority leader of the Senate, one  
1077 member of the majority leader of the House of Representatives, one  
1078 member by the minority leader of the Senate and one member by the

1079 minority leader of the House of Representatives.

1080 (b) Each member shall have demonstrated sufficient knowledge by  
1081 education, training or experience in one or more of the following  
1082 enumerated areas: (1) Procurement; (2) contract negotiation, selection  
1083 and drafting; (3) contract risk assessment; (4) competitive bidding and  
1084 proposal procedures; (5) real estate transactions, including the  
1085 purchase, sale and lease of real estate and buildings; (6) building  
1086 construction and architecture; (7) business insurance and bonding; (8)  
1087 ethics in public contracting; (9) federal and state statutes, procurement  
1088 policies and regulations; (10) outsourcing and privatization analysis;  
1089 (11) small and minority business enterprise development; (12)  
1090 engineering and information technologies; (13) human services; and  
1091 (14) personnel and labor relations, provided such education, training  
1092 or experience was acquired over not less than a continuous five-year  
1093 period within the ten-year period preceding such appointment.

1094 (c) The chairperson of the board shall be appointed by the  
1095 Governor. The terms of the members shall be coterminous with the  
1096 terms of the appointing authority for each member and subject to the  
1097 provisions of section 4-1a. If any vacancy occurs on the board, the  
1098 appointing authority having the power to make the appointment  
1099 under the provisions of this section shall appoint a person in  
1100 accordance with the provisions of this section.

1101 (d) The State Contracting Standards Board shall be an independent  
1102 body within the [Executive Department] public affairs and services  
1103 division of the Office of Governmental Accountability.

1104 (e) The chairperson of the board and other members of the board  
1105 shall be compensated two hundred dollars per diem. No person shall  
1106 serve on the board who is a state or municipal employee. No board  
1107 member or any spouse, child, stepchild, parent or sibling of such board  
1108 member shall be directly involved in any enterprise that does business  
1109 with the state.

1110 (f) The [Governor shall appoint an] executive director of the [board

1111 who] Office of Governmental Accountability shall serve as an ex-  
1112 officio, nonvoting member of the [board. The executive director shall  
1113 be appointed in accordance with the provisions of section 4-7 and may  
1114 be removed from office for reasonable cause, in accordance with  
1115 chapter 67. The board shall, annually, conduct a performance  
1116 evaluation of such executive director] State Contracting Standards  
1117 Board. The executive director shall [report to the chairperson of the  
1118 board and, in consultation with the Chief Procurement Officer,] (1)  
1119 conduct comprehensive planning with respect to the administrative  
1120 functions of the board; (2) coordinate the budget and personnel  
1121 activities of the board; (3) cause the administrative organization of the  
1122 board to be examined with a view to promoting economy and  
1123 efficiency; (4) act as the external liaison for the board; and (5) execute  
1124 such other duties as may be assigned by the chairperson of the board  
1125 or the board, as applicable. [The executive director may enter into such  
1126 contractual agreements as may be necessary for the discharge of the  
1127 director's duties.]

1128 [(g) The board shall appoint a Chief Procurement Officer for a term  
1129 not to exceed six years, unless reappointed pursuant to the provisions  
1130 of this subsection. The Chief Procurement Officer shall report to the  
1131 board and annually be evaluated by, and serve at the pleasure of, the  
1132 board. For administrative purposes only, the Chief Procurement  
1133 Officer shall be supervised by the executive director.

1134 (1) The Chief Procurement Officer shall be responsible for carrying  
1135 out the policies of the board relating to procurement including, but not  
1136 limited to, oversight, investigation, auditing, agency procurement  
1137 certification and procurement and project management training and  
1138 enforcement of said policies as well as the application of such policies  
1139 to the screening and evaluation of current and prospective contractors.  
1140 The Chief Procurement Officer may enter into such contractual  
1141 agreements as may be necessary for the discharge of the duties as set  
1142 forth in this subsection and by the board, including, but not limited to,  
1143 recommending best practices and providing operational and  
1144 administrative assistance to state agencies determined, by the board, to

1145 be in violation of sections 4e-16 to 4e-47, inclusive.]

1146 [(2)] (g) [In addition to the duties set forth by the board, the Chief  
1147 Procurement Officer] The Office of Governmental Accountability shall  
1148 [(A)] (1) oversee state contracting agency compliance with the  
1149 provisions of statutes and regulations concerning procurement; [(B)]  
1150 (2) monitor and assess the performance of the procurement duties of  
1151 each agency procurement officer; [(C)] (3) administer the certification  
1152 system and monitor the level of agency compliance with the  
1153 requirements of statutes and regulations concerning procurement,  
1154 including, but not limited to, the education and training, performance  
1155 and qualifications of agency procurement officers; [(D)] (4) review and  
1156 monitor the procurement processes of each state contracting agency,  
1157 quasi-public agencies and institutions of higher education; and [(E)] (5)  
1158 serve as chairperson of the Contracting Standards Advisory Council  
1159 and an ex-officio member of the Vendor and Citizen Advisory Panel.

1160 (h) The [board] State Contracting Standards Board may contract  
1161 with consultants and professionals on a temporary or project by  
1162 project basis and may employ, subject to the provisions of chapter 67,  
1163 such employees as may be necessary to carry out the provisions of this  
1164 section.

1165 [(i)] The reasonable expenses of the State Contracting Standards  
1166 Board and its employees shall be paid from the budget of the board,  
1167 upon the approval of the board.]

1168 [(j)] (i) No employee of the [State Contracting Standards Board]  
1169 Office of Governmental Accountability public affairs and services  
1170 division shall hold another state or municipal position. No nonclerical  
1171 employee of the board or any spouse, child, stepchild, parent or sibling  
1172 of such employee, shall be associated with an enterprise that does  
1173 business with the state. For purposes of this subsection, "associated  
1174 with" means "business with which he is associated", as defined in  
1175 section 1-79. Each member and employee of the [State Contracting  
1176 Standards Board] public affairs and services division shall file [, with  
1177 the board and with the Office of State Ethics,] with the executive

1178 director of the Office of Governmental Accountability a statement of  
1179 financial interests, as described in section 1-83. Such statement shall be  
1180 a public record. [Such statements for the preceding calendar year shall  
1181 be filed with the Office of State Ethics, as required by law, if such  
1182 employee or member held such a position during the preceding  
1183 calendar year.]

1184 [(k)] (j) Any violation of the provisions of subsection [(j)] (i) of this  
1185 section shall constitute a violation of part I of chapter 10 and may be  
1186 the subject of a complaint and investigation filed and conducted in  
1187 accordance with the provisions of section 1-82, as amended by this act.

1188 [(l)] The board shall adopt such rules as it deems necessary for the  
1189 conduct of its internal affairs, in accordance with section 4-167,  
1190 including, but not limited to, rules of procedure for any audit  
1191 undertaken pursuant to section 4e-6.]

1192 [(m)] (k) Eight members of the board, including not less than one  
1193 member appointed by a legislative leader, shall constitute a quorum  
1194 which shall be required for the transaction of business by the [board]  
1195 State Contracting Standards Board.

1196 Sec. 20. Section 4e-4 of the general statutes is repealed and the  
1197 following is substituted in lieu thereof (*Effective July 1, 2011*):

1198 Except as otherwise provided in the general statutes, the [board]  
1199 State Contracting Standards Board shall have the following authority  
1200 and responsibilities with respect to procurements by state contracting  
1201 agencies:

1202 (a) Recommend the repeal of repetitive, conflicting or obsolete  
1203 statutes concerning state procurement;

1204 (b) Review and make recommendations concerning proposed  
1205 legislation and regulations concerning procurement, management,  
1206 control, and disposal of any and all supplies, services, and construction  
1207 to be procured by the state, including, but not limited to:

- 1208       (1) Conditions and procedures for delegation of procurement  
1209 authority;
- 1210       (2) Prequalification, suspension, debarment and reinstatement of  
1211 prospective bidders and contractors;
- 1212       (3) Small purchase procedures;
- 1213       (4) Conditions and procedures for the procurement of perishables  
1214 and items for resale;
- 1215       (5) Conditions and procedures for the use of source selection  
1216 methods authorized by statutes and regulations concerning  
1217 procurement;
- 1218       (6) Conditions and procedures for the use of emergency  
1219 procurements;
- 1220       (7) Conditions and procedures for the selection of contractors by  
1221 processes or methods that restrict full and open competition;
- 1222       (8) The opening or rejection of bids and offers, and waiver of errors  
1223 in bids and offers;
- 1224       (9) Confidentiality of technical data and trade secrets submitted by  
1225 actual or prospective bidders;
- 1226       (10) Partial, progressive and multiple awards;
- 1227       (11) Supervision of storerooms and inventories, including  
1228 determination of appropriate stock levels and the management,  
1229 transfer, sale or other disposal of publicly-owned supplies;
- 1230       (12) Definitions and classes of contractual services and procedures  
1231 for acquiring such services;
- 1232       (13) Regulations providing for conducting cost and price analysis;
- 1233       (14) Use of payment and performance bonds;

1234 (15) Guidelines for use of cost principles in negotiations,  
1235 adjustments and settlements; and

1236 (16) Identification of procurement best practices;

1237 (c) [Adopt] Recommend to the Office of Governmental  
1238 Accountability the adoption of regulations, pursuant to chapter 54, to  
1239 carry out the provisions of statutes concerning procurement, in order  
1240 to facilitate consistent application of the law and require the  
1241 implementation of procurement best practices;

1242 (d) Make recommendations with regard to information systems for  
1243 state procurement including, but not limited to, data element and  
1244 design and the State Contracting Portal; and

1245 (e) [Develop a guide] Approve the guide developed by the Office of  
1246 Governmental Accountability to state statutes and regulations  
1247 concerning procurement, for use by all state contracting agencies. [;]

1248 [(f) Assist state contracting agencies in complying with the statutes  
1249 and regulations concerning procurement by providing guidance,  
1250 models, advice and practical assistance to state contracting agency staff  
1251 relating to: (1) Buying the best service at the best price, (2) properly  
1252 selecting contractors, and (3) drafting contracts that achieve state goals  
1253 of accountability, transparency and results based outcomes and to  
1254 protect taxpayers' interest;

1255 (g) Train and oversee the agency procurement officer of each state  
1256 contracting agency and any contracting officers thereunder;

1257 (h) Review and certify, on or after January 1, 2009, that a state  
1258 contracting agency's procurement processes are in compliance with  
1259 statutes and regulations concerning procurement by:

1260 (1) Establishing procurement and project management education  
1261 and training criteria and certification procedures for agency  
1262 procurement officers and contracting officers. All agency procurement  
1263 officers and contracting officers designated under this subdivision

1264 shall be required to maintain the certification in good standing at all  
1265 times while performing procurement functions;

1266 (2) Approving an ethics training course, in consultation with the  
1267 Office of State Ethics, including, but not limited to, state employees  
1268 involved in procurement and for state contractors and substantial  
1269 subcontractors who are prequalified pursuant to chapter 58a. Such  
1270 ethics training course may be developed and provided by the Office of  
1271 State Ethics or by any person, firm or corporation provided such  
1272 course is approved by the State Contracting Standards Board;

1273 (i) Recertify each state contracting agency's procurement processes,  
1274 triennially, and provide agencies with notice of any certification  
1275 deficiency and exercise those powers authorized by section 4e-34, 4e-  
1276 39 or 4e-40, as applicable, if a determination of noncompliance is made;

1277 (j) Define the contract data reporting requirements to the board for  
1278 state agencies concerning information on: (1) The number and type of  
1279 state contracts of each state contracting agency currently in effect state-  
1280 wide; (2) the term and dollar value of such contracts; (3) a list of client  
1281 agencies; (4) a description of services purchased under such contracts;  
1282 (5) contractor names; (6) an evaluation of contractor performance,  
1283 including, but not limited to records pertaining to the suspension or  
1284 disqualification of contractors, and assuring such information is  
1285 available on the State Contracting Portal; and (7) a list of contracts and  
1286 contractors awarded without full and open competition stating the  
1287 reasons for and identifying the approving authority; and

1288 (k) Provide the Governor and the joint standing committee of the  
1289 General Assembly having cognizance of matters relating to  
1290 government administration with recommendations concerning the  
1291 statutes and regulations concerning procurement.]

1292 Sec. 21. (NEW) (*Effective July 1, 2011*) The Office of Governmental  
1293 Accountability public affairs and services division shall:

1294 (1) (A) Assist state contracting agencies in complying with the



1295 statutes and regulations concerning procurement by providing  
1296 guidance, models, advice and practical assistance to state contracting  
1297 agency staff relating to: (i) Buying the best service at the best price, (ii)  
1298 properly selecting contractors, and (iii) drafting contracts that achieve  
1299 state goals of accountability, transparency and results based outcomes  
1300 and to protect taxpayers' interest;

1301 (B) Train and oversee the agency procurement officer of each state  
1302 contracting agency and any contracting officers under such agencies;

1303 (C) Review and certify, on or after January 1, 2012, that a state  
1304 contracting agency's procurement processes are in compliance with  
1305 statutes and regulations concerning procurement by:

1306 (2) Establish procurement and project management education and  
1307 training criteria and certification procedures for agency procurement  
1308 officers and contracting officers. All agency procurement officers and  
1309 contracting officers designated under this subdivision shall be  
1310 required to maintain the certification in good standing at all times  
1311 while performing procurement functions;

1312 (3) Approve an ethics training course, in consultation with the legal  
1313 affairs and enforcement division, including, but not limited to, state  
1314 employees involved in procurement and for state contractors and  
1315 substantial subcontractors who are prequalified pursuant to chapter  
1316 58a of the general statutes. Such ethics training course may be  
1317 developed and provided by the Office of Governmental Accountability  
1318 or by any person, firm or corporation provided such course is  
1319 approved by the State Contracting Standards Board;

1320 (4) Recertify each state contracting agency's procurement processes,  
1321 triennially, and provide agencies with notice of any certification  
1322 deficiency and exercise powers authorized by section 4e-34, 4e-39 or  
1323 4e-40 of the general statutes, as applicable, if a determination of  
1324 noncompliance is made; and

1325 (5) Define the contract data reporting requirements to the board for

1326 state agencies concerning information on: (A) The number and type of  
1327 state contracts of each state contracting agency currently in effect state-  
1328 wide; (B) the term and dollar value of such contracts; (C) a list of client  
1329 agencies; (D) a description of services purchased under such contracts;  
1330 (E) contractor names; (F) an evaluation of contractor performance,  
1331 including, but not limited to, records pertaining to the suspension or  
1332 disqualification of contractors, and assuring such information is  
1333 available on the State Contracting Portal; and (G) a list of contracts and  
1334 contractors awarded without full and open competition stating the  
1335 reasons for and identifying the approving authority.

1336 Sec. 22. Section 4e-5 of the general statutes is repealed and the  
1337 following is substituted in lieu thereof (*Effective July 1, 2011*):

1338 (a) (1) The head of each state contracting agency shall appoint an  
1339 agency procurement officer. Such officer shall serve as the liaison  
1340 between the agency and the [Chief Procurement Officer] executive  
1341 director of the Office of Governmental Accountability on all matters  
1342 relating to the agency's procurement activity, including, but not  
1343 limited to, implementation and compliance with the provisions of  
1344 statutes and regulations concerning procurement and any policies or  
1345 regulations adopted by the board, coordination of the training and  
1346 education of agency procurement employees and any person serving  
1347 on the Contracting Standards Advisory Council;

1348 (2) The agency procurement officer shall be responsible for assuring  
1349 that contractors are properly screened prior to the award of a contract,  
1350 evaluating contractor performance during and at the conclusion of a  
1351 contract, submitting written evaluations to a central data repository to  
1352 be designated by the board and creating a project management plan  
1353 for the agency with annual reports to the board pertaining to  
1354 procurement projects within the agency.

1355 (b) The [State Contracting Standards Board] Office of Governmental  
1356 Accountability, with the advice and assistance of the Commissioner of  
1357 Administrative Services, shall develop a standardized state  
1358 procurement and project management education and training

1359 program. Such education and training program shall develop  
1360 education, training and professional development opportunities for  
1361 employees of state contracting agencies charged with procurement  
1362 responsibilities. The program shall educate such employees in general  
1363 business acumen and on proper purchasing procedures as established  
1364 in statutes and regulations concerning procurement with an emphasis  
1365 on ethics, fairness, consistency and project management. Participation  
1366 in the program shall be required of any supervisory and  
1367 nonsupervisory state employees in state contracting agencies with  
1368 responsibility for buying, purchasing, renting, leasing or otherwise  
1369 acquiring any supplies, service or construction, including the  
1370 preparation of the description of requirements, selection and  
1371 solicitation of sources, preparation and award of contracts and all  
1372 phases of contract administration.

1373 (c) The program shall include, but shall not be limited to (1) training  
1374 and education concerning federal, state and municipal procurement  
1375 processes, including the statutes and regulations concerning  
1376 procurement; (2) training and education courses developed in  
1377 cooperation with [the Office of State Ethics, the Freedom of  
1378 Information Commission, the State Elections Enforcement  
1379 Commission,] the Commission on Human Rights and Opportunities,  
1380 the office of the Attorney General and any other state agency the board  
1381 determines is necessary in carrying out statutes and regulations  
1382 concerning procurement; (3) providing technical assistance to state  
1383 contracting agencies and municipalities for implementing statutes and  
1384 regulations concerning procurement, regulations, policies and  
1385 standards developed by the board; (4) training to current and  
1386 prospective contractors and vendors and others seeking to do business  
1387 with the state; and (5) training and education of state employees in the  
1388 area of best procurement practices in state purchasing with the goal of  
1389 achieving the level of acumen necessary to achieve the objectives of  
1390 statutes and regulations concerning procurement.

1391 (d) Any employee who completes the program established under  
1392 subsection (b) of this section shall be issued documentation by the

1393 board acknowledging such employee's participation in the program.  
1394 The board shall submit an annual report to the Governor and the  
1395 General Assembly on the status of such program in accordance with  
1396 section 11-4a.

1397 [(e) The board shall adopt regulations, in accordance with the  
1398 provisions of chapter 54, to develop and implement the training and  
1399 education program established under subsection (b) of this section.]

1400 Sec. 23. Subsections (a) and (b) of section 4e-7 of the general statutes  
1401 are repealed and the following is substituted in lieu thereof (*Effective*  
1402 *October 1, 2011*):

1403 (a) For cause, the [State Contracting Standards Board] Office of  
1404 Governmental Accountability may review, terminate or recommend to  
1405 a state contracting agency the termination of any contract or  
1406 procurement agreement undertaken by any state contracting agency  
1407 after providing fifteen days' notice to the state contracting agency and  
1408 the applicable contractor, and consulting with the Attorney General.  
1409 Such termination of a contract or procurement agreement by the  
1410 [board] State Contracting Standards Board may occur only after (1) the  
1411 board has consulted with the contracting agency to determine the  
1412 impact of an immediate termination of the contract, (2) a determination  
1413 has been made jointly by the board and the contracting agency that an  
1414 immediate termination of the contract will not create imminent peril to  
1415 the public health, safety or welfare, (3) a vote of two-thirds of the  
1416 members of the board present and voting for that purpose, and (4) the  
1417 board has provided the state contracting agency and the contractor  
1418 with opportunity for a hearing conducted pursuant to the provisions  
1419 of chapter 54. Such action shall be accompanied by notice to the state  
1420 contracting agency and any other affected party. For the purpose of  
1421 this section, "for cause" means: (A) A violation of section 1-84 or 1-86e,  
1422 as determined by the Citizen's Ethics Advisory Board; (B) wanton or  
1423 reckless disregard of any state contracting and procurement process by  
1424 any person substantially involved in such contract or state contracting  
1425 agency; or (C) notification from the Attorney General to the state

1426 contracting agency that an investigation pursuant to section 4-61dd has  
1427 concluded that the process by which such contract was awarded was  
1428 compromised by fraud, collusion or any other criminal violation.  
1429 Nothing in this section shall be construed to limit the authority of the  
1430 [board] State Contracting Standards Board as described in section 4e-6.

1431 (b) Following consultation with the state contracting agency and  
1432 upon providing fifteen days' notice and the opportunity for a hearing,  
1433 the [State Contracting Standards Board] Office of Governmental  
1434 Accountability may restrict or terminate the authority of any state  
1435 contracting agency to enter into any contract or procurement  
1436 agreement if: (1) The board, upon a vote of two-thirds of the members  
1437 of the [board] State Contracting Standards Board present and voting  
1438 for such purpose, determines that such state contracting agency failed  
1439 to comply with statutory contracting and procurement requirements  
1440 and evidenced a reckless disregard for applicable procedures and  
1441 policy; and (2) such limitation, restriction or termination of authority is  
1442 in the state's best interest, provided the board has made arrangements  
1443 for the exercise of the contracting power of such agency during the  
1444 period of limitation, restriction or termination. Such limitation,  
1445 restriction or termination of authority shall remain in effect until such  
1446 time as the board determines that such state contracting agency has  
1447 implemented corrective measures and demonstrated compliance with  
1448 statutes and regulations concerning procurement.

1449 Sec. 24. Section 4e-8 of the general statutes is repealed and the  
1450 following is substituted in lieu thereof (*Effective July 1, 2011*):

1451 There is established a Contracting Standards Advisory Council,  
1452 which shall consist of representatives from the Office of Governmental  
1453 Accountability, the Office of Policy and Management, Departments of  
1454 Administrative Services, Transportation, Public Works and  
1455 Information Technology and representatives of at least three additional  
1456 contracting agencies, including at least one human services related  
1457 state agency, designated by the Governor. The [Chief Procurement  
1458 Officer] executive director of the Office of Governmental

1459 Accountability shall be a member of the council and serve as  
1460 chairperson. The advisory council shall meet at least four times per  
1461 year to discuss state procurement issues and to make  
1462 recommendations for improvement of the procurement processes to  
1463 the State Contracting Standards Board. The advisory council may  
1464 conduct studies, research and analyses and make reports and  
1465 recommendations with respect to subjects or matters within the  
1466 jurisdiction of the [State Contracting Standards Board] Office of  
1467 Governmental Accountability.

1468 Sec. 25. Subsection (a) of section 4e-16 of the general statutes is  
1469 repealed and the following is substituted in lieu thereof (*Effective July*  
1470 *1, 2011*):

1471 (a) Prior to entering any privatization contract for the privatization  
1472 of a state service that is not currently privatized, the state contracting  
1473 agency shall develop a cost-benefit analysis in accordance with the  
1474 provisions of subsection (b) of this section. Such requirement shall not  
1475 apply to a privatization contract for a service currently provided, in  
1476 whole or in part, by a non-state entity. Any affected party may petition  
1477 the [State Contracting Standards Board] Office of Governmental  
1478 Accountability for review of such privatization contract, in accordance  
1479 with the provisions of subsections (f) to (h), inclusive, of this section.

1480 Sec. 26. Subsection (e) of section 4e-16 of the general statutes is  
1481 repealed and the following is substituted in lieu thereof (*Effective July*  
1482 *1, 2011*):

1483 (e) Upon the completion of such business case, the state contracting  
1484 agency shall submit the business case to the [State Contracting  
1485 Standards Board] Office of Governmental Accountability. For any  
1486 privatization contract with a projected cost that exceeds one hundred  
1487 fifty million dollars annually or six hundred million dollars over the  
1488 life of such contract, the state contracting agency shall also submit such  
1489 business case to the Governor, the president pro tempore of the Senate,  
1490 the speaker of the House of Representatives, and any collective  
1491 bargaining unit affected by the proposed privatization contract.

1492 Sec. 27. Subsections (m) and (n) of section 4e-16 of the general  
1493 statutes are repealed and the following is substituted in lieu thereof  
1494 (*Effective July 1, 2011*):

1495 (m) The Office of Policy and Management, in consultation with the  
1496 [State Contracting Standards Board] Office of Governmental  
1497 Accountability, shall: (1) Develop policies and procedures, including  
1498 templates for use by state contracting agencies for the development of  
1499 a cost-benefit analysis, as described in subsection (b) of this section,  
1500 and (2) review with each state contracting agency the budgetary  
1501 impact of any such privatization contract and the need to request  
1502 budget adjustments in connection with any such privatization contract.

1503 (n) The [State Contracting Standards Board] Office of Governmental  
1504 Accountability, in consultation with the Department of Administrative  
1505 Services, shall: (1) Recommend and implement standards and  
1506 procedures for state contracting agencies to develop business cases in  
1507 connection with privatization contracts, including templates for use by  
1508 state contracting agencies when submitting business cases to the  
1509 board, and policies and procedures to guide state contracting agencies  
1510 to complete such business cases, and (2) develop guidelines and  
1511 procedures for assisting state employees whose jobs are affected by a  
1512 privatization contract.

1513 Sec. 28. Section 4e-38 of the general statutes is repealed and the  
1514 following is substituted in lieu thereof (*Effective July 1, 2011*):

1515 The State Contracting Standards Board shall issue a decision in  
1516 writing or take other appropriate action on each appeal submitted  
1517 pursuant to section 4e-37. [A copy of any decision shall be provided to  
1518 all parties, the department head of the state contracting agency and the  
1519 Chief Procurement Officer.]

1520 Sec. 29. Section 9-7a of the general statutes is repealed and the  
1521 following is substituted in lieu thereof (*Effective July 1, 2011*):

1522 (a) [There] Within the Office of Governmental Accountability, there

1523 is established a State Elections Enforcement Commission to consist of  
1524 five members, not more than two of whom shall be members of the  
1525 same political party and at least one of whom shall not be affiliated  
1526 with any political party. Of the members first appointed hereunder,  
1527 one shall be appointed by the minority leader of the House of  
1528 Representatives and shall hold office for a term of one year from July 1,  
1529 1974; one shall be appointed by the minority leader of the Senate and  
1530 shall hold office for a term of three years from said July first; one shall  
1531 be appointed by the speaker of the House of Representatives and shall  
1532 hold office for a term of one year from said July first; one shall be  
1533 appointed by the president pro tempore of the Senate and shall hold  
1534 office for a term of three years from said July first, and one shall be  
1535 appointed by the Governor, provided that such member shall not be  
1536 affiliated with any political party, and shall hold office for a term of  
1537 five years from said July first. Thereafter, members shall be appointed  
1538 for terms of five years from July first in the year of their appointment  
1539 and shall be appointed by the person holding the same office as was  
1540 held by the person making the original appointment, provided any  
1541 person chosen to fill a vacancy shall be appointed only for the  
1542 unexpired term of the member whom he shall succeed. All  
1543 appointments shall be made with the consent of the state Senate and  
1544 House of Representatives, provided the initial appointees may serve  
1545 without confirmation from July 1, 1974, subject to approval at the next  
1546 regular session of the General Assembly. No person who has served  
1547 within the previous three years as a public official, other than a  
1548 member of the State Elections Enforcement Commission, or who has  
1549 served within the previous three years as a political party officer, shall  
1550 be appointed to membership on the commission. For purposes of this  
1551 subsection the term "public official" means an individual who holds or  
1552 has held a state, district or municipal office as defined in section 9-372  
1553 but shall not include a justice of the peace or a notary public and the  
1554 term "political party officer" means an officer or member of a national  
1555 committee of a political party, state central or town committee, or any  
1556 person employed by any such committee for compensation. The  
1557 commission shall elect one of its members to serve as chairperson and



1558 another member to serve as vice-chairperson. Each member of the  
1559 commission shall be compensated at the rate of two hundred dollars  
1560 per day for any day on which [he] the member participates in a regular  
1561 commission meeting or hearing, and shall be paid by the state for [his]  
1562 the member's reasonable expenses. [, including necessary stenographic  
1563 and clerical help.]

1564 (b) A vacancy in the commission shall not impair the right of the  
1565 remaining members to exercise all the powers of the commission, and  
1566 three members of said commission shall constitute a quorum.

1567 [(c) The commission shall at the close of each fiscal year report to the  
1568 General Assembly and the Governor concerning the action it has taken  
1569 including, but not limited to, a list of all complaints investigated by the  
1570 commission and the disposition of each such complaint, by voting  
1571 districts, where the alleged violation occurred; the names, salaries and  
1572 duties of the individuals in its employ and the money it has disbursed;  
1573 and shall make such further reports on the matters within its  
1574 jurisdiction and such recommendations for further legislation as may  
1575 appear desirable.]

1576 [(d) The commission shall, subject] (c) Subject to the provisions of  
1577 chapter 67, [employ such employees as may be] the Office of  
1578 Governmental Accountability may, when necessary to carry out the  
1579 provisions of this section, section 9-7b, as amended by this act, and  
1580 section 9-623, [and may] apply to the Commissioner of Public Safety or  
1581 to the Chief State's Attorney for necessary investigatory personnel,  
1582 which the same are hereby authorized to provide.

1583 [(e)] (d) Notwithstanding the provisions of sections 5-266a and 5-  
1584 266b, no member or employee [of the commission] shall (1) be a  
1585 candidate in any primary or election, (2) hold any elected public office,  
1586 provided a member or employee of the commission who holds an  
1587 elected public office as of October 1, 1994, may continue to hold such  
1588 office prior to April 1, 1995, (3) be a political party officer, as defined in  
1589 subsection (a) of this section, or (4) hold any office of any committee, as  
1590 defined in section 9-601. The members and employees [of the

1591 commission] shall otherwise be subject to the provisions of sections 5-  
1592 266a and 5-266b.

1593 [(f)] (e) The commission shall not be construed to be a board or  
1594 commission within the meaning of section 4-9a.

1595 [(g)] (f) In the case of a written complaint filed with the commission  
1596 pursuant to section 9-7b, as amended by this act, on or after January 1,  
1597 1988, if the commission does not, by the sixtieth day following receipt  
1598 of the complaint, either issue a decision or render its determination  
1599 that probable cause or no probable cause exists for one or more  
1600 violations of state election laws, the complainant or respondent may  
1601 apply to the superior court for the judicial district of Hartford for an  
1602 order to show cause why the commission has not acted upon the  
1603 complaint and to provide evidence that the commission has  
1604 unreasonably delayed action. Such proceeding shall be privileged with  
1605 respect to assignment for trial. The commission shall appear and give  
1606 appropriate explanation in the matter. The court may, in its discretion,  
1607 order the commission to: (1) Continue to proceed pursuant to section  
1608 9-7b, as amended by this act, (2) act by a date certain or (3) refer the  
1609 complaint to the Chief State's Attorney. Nothing in this subsection  
1610 shall require the commission, in any proceeding brought pursuant to  
1611 this subsection, to disclose records or documents which are not  
1612 required to be disclosed pursuant to subsection (b) of section 1-210.  
1613 Nothing in this subsection shall preclude the commission from  
1614 continuing its investigation or taking any action permitted by section  
1615 9-7b, as amended by this act, unless otherwise ordered by the court.  
1616 The commission or any other party may, within seven days after a  
1617 decision by the court under this subsection, file an appeal of the  
1618 decision with the Appellate Court.

1619 Sec. 30. Section 9-7b of the general statutes is repealed and the  
1620 following is substituted in lieu thereof (*Effective July 1, 2011*):

1621 (a) The State Elections Enforcement Commission shall have the  
1622 following duties and powers:

1623 [(1) To make investigations on its own initiative or with respect to  
1624 statements filed with the commission by the Secretary of the State or  
1625 any town clerk, or upon written complaint under oath by any  
1626 individual, with respect to alleged violations of any provision of the  
1627 general statutes relating to any election or referendum, any primary  
1628 held pursuant to section 9-423, 9-425 or 9-464 or any primary held  
1629 pursuant to a special act, and to hold hearings when the commission  
1630 deems necessary to investigate violations of any provisions of the  
1631 general statutes relating to any such election, primary or referendum,  
1632 and for the purpose of such hearings the commission may administer  
1633 oaths, examine witnesses and receive oral and documentary evidence,  
1634 and shall have the power to subpoena witnesses under procedural  
1635 rules the commission shall adopt, to compel their attendance and to  
1636 require the production for examination of any books and papers which  
1637 the commission deems relevant to any matter under investigation or in  
1638 question. In connection with its investigation of any alleged violation  
1639 of any provision of chapter 145, or of any provision of section 9-359 or  
1640 section 9-359a, the commission shall also have the power to subpoena  
1641 any municipal clerk and to require the production for examination of  
1642 any absentee ballot, inner and outer envelope from which any such  
1643 ballot has been removed, depository envelope containing any such  
1644 ballot or inner or outer envelope as provided in sections 9-150a and 9-  
1645 150b and any other record, form or document as provided in section 9-  
1646 150b, in connection with the election, primary or referendum to which  
1647 the investigation relates. In case of a refusal to comply with any  
1648 subpoena issued pursuant to this subsection or to testify with respect  
1649 to any matter upon which that person may be lawfully interrogated,  
1650 the superior court for the judicial district of Hartford, on application of  
1651 the commission, may issue an order requiring such person to comply  
1652 with such subpoena and to testify; failure to obey any such order of the  
1653 court may be punished by the court as a contempt thereof. In any  
1654 matter under investigation which concerns the operation or inspection  
1655 of or outcome recorded on any voting machine, the commission may  
1656 issue an order to the municipal clerk to impound such machine until  
1657 the investigation is completed;]

1658 [(2)] (1) To levy a civil penalty not to exceed (A) two thousand  
1659 dollars per offense against any person the commission finds to be in  
1660 violation of any provision of chapter 145, part V of chapter 146, part I  
1661 of chapter 147, chapter 148, section 7-9, section 9-12, subsection (a) of  
1662 section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-  
1663 23g, 9-23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b,  
1664 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-  
1665 232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412,  
1666 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two  
1667 thousand dollars per offense against any town clerk, registrar of  
1668 voters, an appointee or designee of a town clerk or registrar of voters,  
1669 or any other election or primary official whom the commission finds to  
1670 have failed to discharge a duty imposed by any provision of chapter  
1671 146 or 147, (C) two thousand dollars per offense against any person the  
1672 commission finds to have (i) improperly voted in any election, primary  
1673 or referendum, and (ii) not been legally qualified to vote in such  
1674 election, primary or referendum, or (D) two thousand dollars per  
1675 offense or twice the amount of any improper payment or contribution,  
1676 whichever is greater, against any person the commission finds to be in  
1677 violation of any provision of chapter 155 or 157. The commission may  
1678 levy a civil penalty against any person under subparagraph (A), (B),  
1679 (C) or (D) of this subdivision only after giving the person an  
1680 opportunity to be heard at a hearing conducted in accordance with  
1681 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such  
1682 penalty levied pursuant to this subsection within thirty days of written  
1683 notice sent by certified or registered mail to such person, the superior  
1684 court for the judicial district of Hartford, on application of the  
1685 commission, may issue an order requiring such person to pay the  
1686 penalty imposed and such court costs, state marshal's fees and  
1687 attorney's fees incurred by the commission as the court may  
1688 determine. Any civil penalties paid, collected or recovered under  
1689 subparagraph (D) of this subdivision for a violation of any provision of  
1690 chapter 155 applying to the office of the Treasurer shall be deposited  
1691 on a pro rata basis in any trust funds, as defined in section 3-13c,  
1692 affected by such violation;

1693        [(3)] (2) (A) To issue an order requiring any person the commission  
1694 finds to have received any contribution or payment which is  
1695 prohibited by any of the provisions of chapter 155 or 157, after an  
1696 opportunity to be heard at a hearing conducted in accordance with the  
1697 provisions of sections 4-176e to 4-184, inclusive, to return such  
1698 contribution or payment to the donor or payor, or to remit such  
1699 contribution or payment to the state for deposit in the General Fund or  
1700 the Citizens' Election Fund, whichever is deemed necessary to  
1701 effectuate the purposes of chapter 155 or 157, as the case may be;

1702        (B) To issue an order when the commission finds that an intentional  
1703 violation of any provision of chapter 155 or 157 has been committed,  
1704 after an opportunity to be heard at a hearing conducted in accordance  
1705 with sections 4-176e to 4-184, inclusive, which order may contain one  
1706 or more of the following sanctions: (i) Removal of a campaign  
1707 treasurer, deputy campaign treasurer or solicitor; (ii) prohibition on  
1708 serving as a campaign treasurer, deputy campaign treasurer or  
1709 solicitor, for a period not to exceed four years; and (iii) in the case of a  
1710 party committee or a political committee, suspension of all political  
1711 activities, including, but not limited to, the receipt of contributions and  
1712 the making of expenditures, provided the commission may not order  
1713 such a suspension unless the commission has previously ordered the  
1714 removal of the campaign treasurer and notifies the officers of the  
1715 committee that the commission is considering such suspension;

1716        (C) To issue an order revoking any person's eligibility to be  
1717 appointed or serve as an election, primary or referendum official or  
1718 unofficial checker or in any capacity at the polls on the day of an  
1719 election, primary or referendum, when the commission finds such  
1720 person has intentionally violated any provision of the general statutes  
1721 relating to the conduct of an election, primary or referendum, after an  
1722 opportunity to be heard at a hearing conducted in accordance with  
1723 sections 4-176e to 4-184, inclusive;

1724        (D) To issue an order to enforce the provisions of the Help America  
1725 Vote Act, P.L. 107-252, as amended from time to time, as the

1726 commission deems appropriate;

1727 (E) To issue an order following the commission's determination of  
1728 the right of an individual to be or remain an elector when such  
1729 determination is made (i) pursuant to an appeal taken to the  
1730 commission from a decision of the registrars of voters or board of  
1731 admission of electors under section 9-31l, or (ii) following the  
1732 commission's investigation pursuant to subdivision (1) of [this]  
1733 subsection (b) of this section;

1734 (F) To issue a cease and desist order for violation of any general  
1735 statute or regulation under the commission's jurisdiction and to take  
1736 reasonable actions necessary to compel compliance with such statute  
1737 or regulation;

1738 [(4)] (3) To issue an order to a candidate committee that receives  
1739 moneys from the Citizens' Election Fund pursuant to chapter 157, to  
1740 comply with the provisions of chapter 157, after an opportunity to be  
1741 heard at a hearing conducted in accordance with the provisions of  
1742 sections 4-176e to 4-184, inclusive;

1743 [(5) To inspect or audit at any reasonable time and upon reasonable  
1744 notice the accounts or records of any campaign treasurer or principal  
1745 campaign treasurer, as required by chapter 155 or 157 and to audit any  
1746 such election, primary or referendum held within the state; provided,  
1747 (A) (i) not later than two months preceding the day of an election at  
1748 which a candidate is seeking election, the commission shall complete  
1749 any audit it has initiated in the absence of a complaint that involves a  
1750 committee of the same candidate from a previous election, and (ii)  
1751 during the two-month period preceding the day of an election at  
1752 which a candidate is seeking election, the commission shall not initiate  
1753 an audit in the absence of a complaint that involves a committee of the  
1754 same candidate from a previous election, and (B) the commission shall  
1755 not audit any caucus, as defined in subdivision (1) of section 9-372;

1756 (6) To attempt to secure voluntary compliance, by informal methods  
1757 of conference, conciliation and persuasion, with any provision of

1758 chapter 149, 151 to 153, inclusive, 155, 156 or 157 or any other  
1759 provision of the general statutes relating to any such election, primary  
1760 or referendum;]

1761 [(7)] (4) To consult with the Secretary of the State, the Chief State's  
1762 Attorney or the Attorney General on any matter which the commission  
1763 deems appropriate;

1764 [(8)] (5) To refer to the Chief State's Attorney evidence bearing upon  
1765 violation of any provision of chapter 149, 151 to 153, inclusive, 155, 156  
1766 or 157 or any other provision of the general statutes pertaining to or  
1767 relating to any such election, primary or referendum;

1768 [(9)] (6) To refer to the Attorney General evidence for injunctive  
1769 relief and any other ancillary equitable relief in the circumstances of  
1770 subdivision [(8)] (5) of this subsection. Nothing in this subdivision  
1771 shall preclude a person who claims that he is aggrieved by a violation  
1772 of any provision of chapter 152 or any other provision of the general  
1773 statutes relating to referenda from pursuing injunctive and any other  
1774 ancillary equitable relief directly from the Superior Court by the filing  
1775 of a complaint;

1776 [(10)] (7) To refer to the Attorney General evidence pertaining to any  
1777 ruling which the commission finds to be in error made by election  
1778 officials in connection with any election, primary or referendum. Those  
1779 remedies and procedures available to parties claiming to be aggrieved  
1780 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall  
1781 apply to any complaint brought by the Attorney General as a result of  
1782 the provisions of this subdivision;

1783 [(11)] (8) To consult with the United States Department of Justice  
1784 and the United States Attorney for Connecticut on any investigation  
1785 pertaining to a violation of this section, section 9-12, subsection (a) of  
1786 section 9-17 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a,  
1787 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-  
1788 35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department  
1789 and attorney evidence bearing upon any such violation for prosecution

1790 under the provisions of the National Voter Registration Act of 1993,  
1791 P.L. 103-31, as amended from time to time;

1792 [(12)] (9) To inspect reports filed with town clerks pursuant to  
1793 chapter 155 and refer to the Chief State's Attorney evidence bearing  
1794 upon any violation of law therein if such violation was committed  
1795 knowingly and wilfully;

1796 [(13)] (10) To intervene in any action brought pursuant to the  
1797 provisions of sections 9-323, 9-324, 9-328 and 9-329a upon application  
1798 to the court in which such action is brought when in the opinion of the  
1799 court it is necessary to preserve evidence of possible criminal violation  
1800 of the election laws;

1801 [(14)] (11) To [adopt and publish] recommend to the executive  
1802 director of the Office of Governmental Accountability the adoption  
1803 and publication of regulations pursuant to chapter 54 to carry out the  
1804 provisions of section 9-7a, as amended by this act, this section, and  
1805 chapters 155 and 157; to issue upon request and publish advisory  
1806 opinions in the Connecticut Law Journal upon the requirements of  
1807 chapters 155 and 157, and to make recommendations to the General  
1808 Assembly concerning suggested revisions of the election laws;

1809 [(15)] (12) To the extent that the State Elections Enforcement  
1810 Commission is involved in the investigation of alleged or suspected  
1811 criminal violations of any provision of the general statutes pertaining  
1812 to or relating to any such election, primary or referendum and is  
1813 engaged in such investigation for the purpose of presenting evidence  
1814 to the Chief State's Attorney, the executive director of Office of  
1815 Governmental Accountability in conjunction with the State Elections  
1816 Enforcement Commission shall be deemed a law enforcement agency  
1817 for purposes of subdivision (3) of subsection (b) of section 1-210,  
1818 provided nothing in this section shall be construed to exempt the State  
1819 Elections Enforcement Commission in any other respect from the  
1820 requirements of the Freedom of Information Act, as defined in section  
1821 1-200;



1822 [(16) To enter into such contractual agreements as may be necessary  
1823 for the discharge of its duties, within the limits of its appropriated  
1824 funds and in accordance with established procedures;

1825 (17) To provide the Secretary of the State with notice and copies of  
1826 all decisions rendered by the commission in contested cases, advisory  
1827 opinions and declaratory judgments, at the time such decisions,  
1828 judgments and opinions are made or issued;]

1829 [(18)] (13) To receive and determine complaints filed under the Help  
1830 America Vote Act, P.L. 107-252, as amended from time to time, by any  
1831 person who believes there is a violation of any provision of Title III of  
1832 P.L. 107-252, as amended. Any complaint filed under this subdivision  
1833 shall be in writing, notarized and signed and sworn by the person  
1834 filing the complaint. At the request of the complainant, there shall be a  
1835 hearing on the record, conducted in accordance with sections 4-167e to  
1836 4-184, inclusive. The commission shall make a final determination with  
1837 respect to a complaint prior to the expiration of the ninety-day period  
1838 beginning on the date the complaint is filed, unless the complainant  
1839 consents to a longer period for making such determination. If the  
1840 commission fails to meet the applicable deadline under this  
1841 subdivision with respect to a complaint, the commission shall resolve  
1842 the complaint within sixty days after the expiration of such ninety-day  
1843 period under an alternative dispute resolution procedure established  
1844 by the commission.

1845 (b) The Office of Governmental Accountability shall have the  
1846 following duties and powers:

1847 (1) To make investigations on its own initiative or with respect to  
1848 statements filed with the commission by the Secretary of the State or  
1849 any town clerk, or upon written complaint under oath by any  
1850 individual, with respect to alleged violations of any provision of the  
1851 general statutes relating to any election or referendum, any primary  
1852 held pursuant to section 9-423, 9-425 or 9-464 or any primary held  
1853 pursuant to a special act, and to hold hearings when the commission  
1854 deems necessary to investigate violations of any provisions of the

1855 general statutes relating to any such election, primary or referendum,  
1856 and for the purpose of such hearings the commission may administer  
1857 oaths, examine witnesses and receive oral and documentary evidence,  
1858 and shall have the power to subpoena witnesses under procedural  
1859 rules the commission shall adopt, to compel their attendance and to  
1860 require the production for examination of any books and papers which  
1861 the commission deems relevant to any matter under investigation or in  
1862 question. In connection with its investigation of any alleged violation  
1863 of any provision of chapter 145, or of any provision of section 9-359 or  
1864 9-359a, the commission shall also have the power to subpoena any  
1865 municipal clerk and to require the production for examination of any  
1866 absentee ballot, inner and outer envelope from which any such ballot  
1867 has been removed, depository envelope containing any such ballot or  
1868 inner or outer envelope as provided in sections 9-150a and 9-150b and  
1869 any other record, form or document as provided in section 9-150b, in  
1870 connection with the election, primary or referendum to which the  
1871 investigation relates. In case of a refusal to comply with any subpoena  
1872 issued pursuant to this subsection or to testify with respect to any  
1873 matter upon which that person may be lawfully interrogated, the  
1874 superior court for the judicial district of Hartford, on application of the  
1875 commission, may issue an order requiring such person to comply with  
1876 such subpoena and to testify; failure to obey any such order of the  
1877 court may be punished by the court as a contempt thereof. In any  
1878 matter under investigation which concerns the operation or inspection  
1879 of or outcome recorded on any voting machine, the commission may  
1880 issue an order to the municipal clerk to impound such machine until  
1881 the investigation is completed;

1882 (2) To assist in duties of the State Elections Enforcement  
1883 Commission as mandated by subsection (a) of this section;

1884 (3) To inspect or audit at any reasonable time and upon reasonable  
1885 notice the accounts or records of any campaign treasurer or principal  
1886 campaign treasurer, as required by chapter 155 or 157 and to audit any  
1887 such election, primary or referendum held within the state, provided,  
1888 (A) (i) not later than two months preceding the day of an election at

1889 which a candidate is seeking election, the commission shall complete  
1890 any audit it has initiated in the absence of a complaint that involves a  
1891 committee of the same candidate from a previous election, and (ii)  
1892 during the two-month period preceding the day of an election at  
1893 which a candidate is seeking election, the commission shall not initiate  
1894 an audit in the absence of a complaint that involves a committee of the  
1895 same candidate from a previous election, and (B) the commission shall  
1896 not audit any caucus, as defined in subdivision (1) of section 9-372;

1897 (4) To attempt to secure voluntary compliance, by informal methods  
1898 of conference, conciliation and persuasion, with any provision of  
1899 chapter 149, 151 to 153, inclusive, 155, 156 or 157 or any other  
1900 provision of the general statutes relating to any such election, primary  
1901 or referendum;

1902 (5) To provide the Secretary of the State with notice and copies of all  
1903 decisions rendered by the commission in contested cases, advisory  
1904 opinions and declaratory judgments, at the time such decisions,  
1905 judgments and opinions are made or issued; and

1906 (6) Shall at the close of each fiscal year report to the General  
1907 Assembly and the Governor concerning the action it has taken  
1908 including, but not limited to, a list of all complaints investigated by the  
1909 commission and the disposition of each such complaint, by voting  
1910 districts, where the alleged violation occurred; the names, salaries and  
1911 duties of the individuals in its employ and the money it has disbursed;  
1912 and shall make such further reports on the matters within its  
1913 jurisdiction and such recommendations for further legislation as may  
1914 appear desirable.

1915 [(b)] (c) In the case of a refusal to comply with an order of the  
1916 commission issued pursuant to [subdivision (3) or (4) of] subsection (a)  
1917 or (b) of this section, the superior court for the judicial district of  
1918 Hartford, on application of the commission, may issue a further order  
1919 to comply. Failure to obey such further order may be punished by the  
1920 court as a contempt thereof.

1921 Sec. 31. Section 51-51k of the general statutes is repealed and the  
1922 following is substituted in lieu thereof (*Effective July 1, 2011*):

1923 (a) [There is hereby] Within the Office of Governmental  
1924 Accountability there is established a Judicial Review Council to be  
1925 composed of the following members: (1) Three judges of the Superior  
1926 Court, who are not also judges of the Supreme Court, who shall be  
1927 appointed by the Governor, from a list of six judges selected by the  
1928 members of the Superior Court, with the approval of the General  
1929 Assembly, (2) three attorneys-at-law admitted to practice in this state,  
1930 who shall be appointed by the Governor with the approval of the  
1931 General Assembly, (3) six persons who are not judges or attorneys-at-  
1932 law, who shall be appointed by the Governor with the approval of the  
1933 General Assembly, and (4) thirteen alternate members who shall be  
1934 appointed by the Governor with the approval of the General  
1935 Assembly, as follows: (A) Two judges of the Superior Court who are  
1936 not also judges of the Supreme Court, from a list of four judges  
1937 selected by the members of the Superior Court, (B) two attorneys-at-  
1938 law admitted to practice in this state, (C) three persons who are not  
1939 judges or attorneys-at-law, (D) three compensation commissioners and  
1940 (E) three family support magistrates.

1941 (b) An alternate member who is a judge, attorney-at-law or person  
1942 who is not a judge or attorney-at-law shall serve at probable cause  
1943 hearings and public hearings in lieu of a member who is a judge,  
1944 attorney-at-law or person who is not a judge or attorney-at-law,  
1945 respectively, when such member is absent or disqualified, as  
1946 designated by the executive director of the [council] Office of  
1947 Governmental Accountability. An alternate member who is a  
1948 compensation commissioner shall serve as a member of the council in  
1949 lieu of one of the members who is a judge of the Superior Court, as  
1950 designated by the executive director, when the subject of a complaint  
1951 or investigation is a compensation commissioner. An alternate member  
1952 who is a family support magistrate shall serve as a member of the  
1953 council in lieu of one of the members who is a judge of the Superior  
1954 Court, as designated by the executive director, when the subject of a

1955 complaint or investigation is a family support magistrate. An alternate  
1956 member shall have the same power as the member he or she is  
1957 temporarily replacing during the absence or disqualification of the  
1958 member.

1959 (c) On and after December 1, 1992, members shall be appointed in  
1960 accordance with subsection (a) of this section as follows: One judge  
1961 shall be appointed for a term of two years, one judge shall be  
1962 appointed for a term of three years and one judge shall be appointed  
1963 for a term of four years; one attorney shall be appointed for a term of  
1964 two years, one attorney shall be appointed for a term of three years  
1965 and one attorney shall be appointed for a term of four years; two lay  
1966 members shall be appointed for terms of two years, two lay members  
1967 shall be appointed for terms of three years, and two lay members shall  
1968 be appointed for terms of four years. Thereafter, members shall serve  
1969 for terms of four years. Members may continue in office until a  
1970 successor is appointed and qualified. No member appointed on or  
1971 after December 1, 1992, may serve consecutive terms, and if the  
1972 member is an attorney, no member of his or her firm may serve a term  
1973 consecutive to such member, provided no member may serve for more  
1974 than two terms. Vacancies on the council shall be filled for the  
1975 unexpired portion of any term in the same manner as the original  
1976 appointment. Any member who is a judge, family support magistrate  
1977 or compensation commissioner and retires from full-time active service  
1978 as a judge, family support magistrate or compensation commissioner  
1979 shall automatically cease to be a member of the council, and a vacancy  
1980 shall be deemed to occur. Alternate members shall be appointed for  
1981 terms of three years and shall not serve consecutive terms as alternate  
1982 members.

1983 (d) No member of the council, except a judge, family support  
1984 magistrate or compensation commissioner, may hold any elected or  
1985 appointed position with compensation within the state or United  
1986 States, or be a selectman or chief executive officer of any municipality,  
1987 or a full or part-time employee of the Judicial Department or Workers'  
1988 Compensation Commission, or a member of a national or state central

1989 committee, or a chairperson of any political party.

1990 [(e) (1) The Judicial Review Council shall employ an executive  
1991 director and such other staff as is necessary for the performance of its  
1992 functions and duties.

1993 (2) The executive director] (e) The legal affairs and enforcement  
1994 division within the Office of Governmental Accountability may  
1995 investigate any complaint filed pursuant to section 51-51l and present  
1996 evidence obtained pursuant to any such investigation to the council.

1997 (f) The Judicial Review Council shall develop a concise brochure  
1998 written in plain language to provide the public with information  
1999 concerning the purpose, authority, jurisdiction and process of the  
2000 Judicial Review Council. The [council] Office of Governmental  
2001 Accountability shall distribute the brochure to all court administrative  
2002 offices and to any person who files a complaint pursuant to section 51-  
2003 51l.

2004 (g) The Judicial Review Council shall submit to the Governor, the  
2005 Judicial Department, the joint standing committee of the General  
2006 Assembly having cognizance of matters relating to the Judicial Review  
2007 Council, and the judges of the Superior Court annually on or before  
2008 September first, a report of its activities for the previous fiscal year,  
2009 including the number of complaints received and the number of each  
2010 type of complaint disposition, including the number of dismissals, the  
2011 number of admonishments and the number of cases in which probable  
2012 cause was found.

2013 (h) The [Commissioner of Public Works shall provide the] Judicial  
2014 Review Council shall be provided with office space for the conduct of  
2015 duties of the council.

2016 (i) The Judicial Review Council shall [adopt] recommend to the  
2017 executive director of the Office of Governmental Accountability the  
2018 adoption of regulations in accordance with the provisions of chapter 54  
2019 to establish rules and procedures for the council in the discharge of its

2020 duties under this chapter and to provide standards for the  
2021 identification of and procedures for the treatment of conflicts of  
2022 interest for council members, which standards shall require that any  
2023 professional or ethical codes of conduct shall apply to any professional  
2024 member of the council subject to such codes of conduct.

2025 Sec. 32. Subsection (b) of section 51-51m of the general statutes is  
2026 repealed and the following is substituted in lieu thereof (*Effective July*  
2027 *1, 2011*):

2028 (b) The council shall make its findings in writing and all such  
2029 findings shall be compiled and indexed by the Office of Governmental  
2030 Accountability.

2031 Sec. 33. Section 4-5 of the general statutes is repealed and the  
2032 following is substituted in lieu thereof (*Effective July 1, 2011*):

2033 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
2034 means Secretary of the Office of Policy and Management,  
2035 Commissioner of Administrative Services, Commissioner of Revenue  
2036 Services, Banking Commissioner, Commissioner of Children and  
2037 Families, Commissioner of Consumer Protection, Commissioner of  
2038 Correction, Commissioner of Economic and Community Development,  
2039 State Board of Education, Commissioner of Emergency Management  
2040 and Homeland Security, Commissioner of Environmental Protection,  
2041 Commissioner of Agriculture, Commissioner of Public Health,  
2042 Insurance Commissioner, Labor Commissioner, Liquor Control  
2043 Commission, Commissioner of Mental Health and Addiction Services,  
2044 Commissioner of Public Safety, Commissioner of Social Services,  
2045 Commissioner of Developmental Services, Commissioner of Motor  
2046 Vehicles, Commissioner of Transportation, Commissioner of Public  
2047 Works, Commissioner of Veterans' Affairs, Chief Information Officer,  
2048 the chairperson of the Public Utilities Control Authority, the executive  
2049 director of the Board of Education and Services for the Blind, the  
2050 executive director of the Connecticut Commission on Culture and  
2051 Tourism, the executive director of the Office of Governmental  
2052 Accountability and the executive director of the Office of Military

2053 Affairs. As used in sections 4-6 and 4-7, "department head" also means  
2054 the Commissioner of Education.

2055 Sec. 34. (*Effective July 1, 2011*) (a) "Office of Governmental  
2056 Accountability" shall be substituted for "Office of State Ethics" in the  
2057 following sections of the general statutes: 1-81a, 1-83, 1-84, 1-84b, 1-86,  
2058 1-86d, 1-89a, 1-93a, 1-94, 1-95, 1-96a, 1-96b, 1-96c, 1-96e, 1-100b, 1-  
2059 101oo, 1-101pp, subsection (a) of section 1-101qq, 1-101rr and 4b-4.

2060 (b) "Office of Governmental Accountability" shall be substituted for  
2061 "State Contracting Standards Board" in the following sections of the  
2062 general statutes: 4e-13, 4e-14, 4e-19 to 4e-28, inclusive, and 4e-44 to 4e-  
2063 49, inclusive.

2064 Sec. 35. Sections 1-80b, 1-80c, 1-80d, 1-205a and 9-7c of the general  
2065 statutes are repealed. (*Effective July 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	1-80(a)
Sec. 4	<i>July 1, 2011</i>	1-80(h) and (i)
Sec. 5	<i>July 1, 2011</i>	1-80e
Sec. 6	<i>July 1, 2011</i>	1-81
Sec. 7	<i>July 1, 2011</i>	1-82
Sec. 8	<i>July 1, 2011</i>	1-81b
Sec. 9	<i>July 1, 2011</i>	1-81c
Sec. 10	<i>July 1, 2011</i>	1-82a
Sec. 11	<i>July 1, 2011</i>	1-88
Sec. 12	<i>July 1, 2011</i>	1-92
Sec. 13	<i>July 1, 2011</i>	1-93
Sec. 14	<i>July 1, 2011</i>	1-96
Sec. 15	<i>July 1, 2011</i>	1-101
Sec. 16	<i>July 1, 2011</i>	1-205
Sec. 17	<i>July 1, 2011</i>	1-206(b)
Sec. 18	<i>July 1, 2011</i>	1-212(f)
Sec. 19	<i>July 1, 2011</i>	4e-2
Sec. 20	<i>July 1, 2011</i>	4e-4



Sec. 21	<i>July 1, 2011</i>	New section
Sec. 22	<i>July 1, 2011</i>	4e-5
Sec. 23	<i>October 1, 2011</i>	4e-7(a) and (b)
Sec. 24	<i>July 1, 2011</i>	4e-8
Sec. 25	<i>July 1, 2011</i>	4e-16(a)
Sec. 26	<i>July 1, 2011</i>	4e-16(e)
Sec. 27	<i>July 1, 2011</i>	4e-16(m) and (n)
Sec. 28	<i>July 1, 2011</i>	4e-38
Sec. 29	<i>July 1, 2011</i>	9-7a
Sec. 30	<i>July 1, 2011</i>	9-7b
Sec. 31	<i>July 1, 2011</i>	51-51k
Sec. 32	<i>July 1, 2011</i>	51-51m(b)
Sec. 33	<i>July 1, 2011</i>	4-5
Sec. 34	<i>July 1, 2011</i>	New section
Sec. 35	<i>July 1, 2011</i>	Repealer section

***Statement of Legislative Commissioners:***

Made grammatical corrections in sections 1, 2, 7, 20 and 21, deleted provisions of section 6(b) as duplicative with 1(e), made changes in sections 13 and 30 for consistency, made conforming changes in section 19 and clarified language in section 34.

***GAE***      ***Joint Favorable Subst.-LCO***

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Office of Governmental Accountability	GF - Savings	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill consolidates the Office of State Ethics (OSE), the Freedom of Information Commission (FOIC), State Contracting Standards Board (SCSB), State Elections Enforcement Commission (SEEC), and the Judicial Review Council (JRC) and places them within the newly created Office of Governmental Accountability (OGA).

The Governor's budget assumes total savings of \$1,729,964 in FY 12 and \$1,747,200 in FY 13. These savings include:

- (1) \$156,882 in FY 12 and \$155,682 in FY 13 associated with the elimination of one position and associated operations funds at JRC. This elimination occurs prior to the consolidation and creation of OGA;
- (2) \$1,573,768 in FY 12 and \$1,591,518 in FY 13 associated with the elimination of 17 positions from the four remaining agencies (SEEC, OSE, FOIC, and SCSB). The Governor's budget does not state which specific positions are to be eliminated.

However, the bill eliminates the executive directors of OSE, FOIC, SCSB, SEEC, and JRC. In addition, the bill also eliminates OSE's general counsel and ethics enforcement officer, along with the SCSB's

chief procurement officer.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 1009****AN ACT CREATING THE OFFICE OF GOVERNMENTAL ACCOUNTABILITY.****SUMMARY:**

This bill dissolves the Office of State Ethics (OSE), establishes an Office of Governmental Accountability (OGA) as its successor, and makes the new agency responsible for most state so-called “watchdog functions.” To accomplish this, the bill eliminates the independent agency status of the following and places them within OGA:

1. the Freedom of Information Commission (FOIC),
2. the State Contracting Standards Board (SCSB),
3. the State Elections Enforcement Commission (SEEC), and
4. the Judicial Review Council (JRC).

The bill generally maintains existing law’s procedures applicable to these agencies, but it makes OGA responsible for administering them. Under the bill, OGA (1) administers and enforces the codes of state ethics, freedom of information requirements, and campaign and election law requirements; (2) oversees state contracting and procurement processes; and (3) resolves complaints regarding state judges, family support magistrates, and workers’ compensation commissioners.

OGA also assumes each agency’s responsibility for (1) adopting regulations and (2) reporting annually to the governor and General Assembly.

The bill makes several conforming and technical changes.

EFFECTIVE DATE: July 1, 2011, except for the change to the SCSB's authority to review and terminate contracts or a state contracting agency's authority to enter into contracts, which is effective October 1, 2011 (that provision's effective date under current law).

## **§§ 1-2 & 19 — STRUCTURE AND COMPOSITION**

OGA consists of an executive director and a (1) legal affairs and enforcement division, (2) public affairs and services division, and (3) business operations division.

### ***Executive Director***

The bill makes OGA's executive director a "department head" whom the governor appoints and is subject to the legislative confirmation, qualification requirements, and power and duties provisions that come with that designation (see BACKGROUND). The bill eliminates the executive directors of the OSE, FOIC, SCSB, SEEC, and JRS as designated department heads. OGA's executive director assumes most of their duties and responsibilities.

Under current law, the governor does not appoint the executive director of the dissolving agencies with the exception of the SCSB's executive director who is also subject to the legislative confirmation process.

OGA's executive director is authorized to enter contracts, subject to the attorney general's approval, and apply for and accept non-state funding.

### ***Staff***

The bill eliminates four of the five agencies' authority to employ staff. Unlike the other agencies, the SCSB may employ staff and also contract with consultants.

The bill transfers staff from these agencies to OGA, with certain exceptions. In addition, the bill authorizes OGA's executive director to employ staff within available appropriations. It specifies that any employees whom the executive director hires are in classified state

service. As noted above, the bill eliminates the five executive director positions. It also eliminates the (1) OSE's general counsel, (2) OSE's ethics enforcement officer, and (3) SCSB's chief procurement officer.

#### **§§ 4, 19 & 29 — EMPLOYMENT RESTRICTIONS**

The bill maintains current law's employment restrictions to which certain employees in the consolidated agencies are subject, and extends them to all OGA employees. For example, it:

1. requires OGA employees and Citizen Ethics Advisory Board (CEAB) members to adhere to a code of ethics (currently applies to OSE staff and board members);
2. prohibits OGA employees and CEAB members from making political contributions to anyone subject to the Code of Ethics (currently applies to OSE staff and board members);
3. prohibits OGA employees within the public affairs and services division from holding another state or municipal position (currently applies to SCSB employees);
4. requires OGA employees within the public affairs and services division to file an annual statement of financial interest (currently applies to SCSB employees); and
5. prohibits OGA employees from being (a) an elected public official, (b) a political party officer, (c) a candidate in any primary or election, or (d) an officer of a state or town committee, candidate committee, or political committee, known as a PAC (currently applies to SEEC employees).

#### **DUTIES AND RESPONSIBILITIES**

The bill transfers the personnel powers, duties, obligations, and other government functions from the OSE, FOIC, SCSB, SEEC, and JRC to OGA beginning July 1, 2011. Toward that end, it specifies duties and responsibilities for the executive director and each of the three divisions.

The legal affairs and enforcement division assumes certain duties for which the OSE's CEAB, JRC, and SEEC currently have responsibility. Specifically, the bill requires the division to (1) investigate complaints, (2) provide advisory opinions, and (3) provide staff assistance.

The bill requires the public affairs and services division to (1) assume responsibility for contract management; (2) provide staff support to the SCSB; and (3) provide education on the (a) state Code of Ethics for Public Officials and Code of Ethics for Lobbyists, (b) Freedom of Information Act (FOIA), (c) procurement practices and codes, (d) campaign finance disclosures, and (e) the Citizens' Election Program.

Finally, the bill makes the business operations division responsible for OGA's administrative and business functions.

### **§ 1 — Regulations**

The bill eliminates the agencies' authority to adopt regulations, including the requirement for SCSB rules of procedure, and instead requires them to recommend to OGA regulations concerning their jurisdiction areas. OGA must adopt regulations to effectuate the bill's provisions and carry out the agencies' functions, though the bill does not specify a date by which OGA must do so.

### **§ 1 — Reporting**

The bill also eliminates the agencies' annual reporting requirements. Instead, it requires OGA's executive director to submit a comprehensive annual report to the governor and General Assembly concerning OGA's activities, recommendations, and accomplishments.

### **§§ 3-15 & 34-35 — State Ethics**

The bill dissolves the OSE, establishes OGA as its successor, and makes the new agency responsible for ethics oversight and administration. The CEAB remains within OGA's legal affairs and enforcement division, with its existing membership criteria (appointed

by the same appointing authorities) and most of its powers and duties. It loses the authority to adopt regulations, including lobbyist reporting requirements.

Generally OGA, rather than the OSE, is responsible for:

1. receiving and investigating allegations of ethics violations;
2. providing legal advice;
3. administering ethics training for public officials, state employees, and lobbyists; and
4. overseeing lobbyist registration and financial reporting.

Specifically, the legal unit within the legal affairs and enforcement division assumes those responsibilities for which the OSE's legal division, including the general counsel, is currently responsible. The bill eliminates the general counsel position and, among other things, requires OGA's legal unit to provide (1) the CEAB with legal advice on matters before it and (2) ethics advice, including advisory opinions, to individuals subject to the codes and the general public.

The enforcement unit within the legal affairs and enforcement division assumes those responsibilities for which the OSE's enforcement division, including the ethics enforcement officer, is currently responsible. The bill eliminates the ethics enforcement officer position and makes OGA's enforcement unit responsible for investigating ethics complaints brought to or by the CEAB. It thus give OGA the power to hold hearings, administer oaths, subpoena examine witnesses, and receive evidence. Existing law, unchanged by the bill, requires judge trial referees to preside over ethics hearings and make probable cause determinations.

The public affairs and services division is responsible for providing education on the ethics codes.

### **§§ 16-18 & 35 — Freedom of Information**



The bill places the FOIC in OGA and makes the new agency responsible for FOIA oversight and administration. Generally the OGA, rather than the FOIC, is responsible for:

1. ensuring that the public has access to government records and notice of public meetings;
2. reviewing complaints about alleged FOIA violations; and
3. conducting training sessions for public officials; and
4. creating, publishing, and providing municipal officials with a model ordinance on establishing municipal FOI advisory boards (for this, the bill includes a deadline that is already past).

Specifically, the legal affairs and enforcement division assumes responsibility for the commission's investigative and enforcement duties. The division may, among other things, investigate complaints, hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, and subpoena witnesses.

The public affairs and services division assumes responsibility for education on FOIA.

#### **§§ 19-28 & 34 — State Contracting**

The bill places the SCSB within the public affairs and services division of the OGA and specifies that it remains an independent body. Toward that end, the bill transfers certain authorities and responsibilities from the SCSB to OGA, but leaves others with the board. Specifically, OGA's public affairs and services division assumes responsibility for (1) assisting state agencies with contract compliance; (2) training and overseeing state agency procurement officers; and (3) beginning January 1, 2010, reviewing and certifying state contracting agencies' procurement processes.

The SCSB retains responsibility for (1) auditing state contracting agencies and (2) making recommendations concerning state contracting legislation and information systems. In addition, the bill

requires the SCSB to approve the state agency procurement guide, which OGA develops. Current law requires the board to develop the guide.

OGA and its executive director generally assume the duties and responsibilities of the SCSB's chief procurement officer, whom the bill eliminates. OGA, rather than the chief procurement officer, is responsible for reviewing and monitoring state contracting agencies' procurement processes and compliance. OGA's executive director, rather than the procurement officer, serves as chairperson of the SCSB's Contracting Standards Advisory Council.

In addition, the bill replaces the SCSB's executive director with the OGA's executive director as an ex-officio, nonvoting board member. It thus makes OGA's executive director solely responsible for:

1. preparing a comprehensive plan of the board's administrative functions,
2. coordinating the board's budget and personnel activities,
3. providing for an examination of the board's administrative organization to promote economy and efficiency,
4. acting as the board's external liaison, and
5. performing any other duties the chairperson or board assigns, as appropriate.

Under current law, the SCSB's executive director, in consultation with the chief procurement officer, has these responsibilities.

The bill also eliminates the requirement that the SCSB issue copies of its decisions concerning appeals from contractors, bidders, or proposers on contract suspension decisions to the (1) parties, (2) state contracting agency's department head, and (3) chief procurement officer.

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**§§ 29-30 & 35 — Elections and Campaign Finance**

The bill places the SEEC within OGA and transfers some, but not all, of the commission's authority. Under the bill, the OGA, rather than the SEEC, has the power to:

1. investigate complaints or alleged violations of specified election and campaign finance laws;
2. inspect or audit campaign finance statements or records;
3. attempt to secure voluntary compliance with election and campaign finance laws;
4. enter into contracts to discharge its duties;
5. provide the secretary of the state with copies of the commission's decisions; and
6. report to the governor and General Assembly annually on its activities with respect to investigations and the disposition of complaints, other matters within its jurisdiction, and recommendations for legislative changes.

The bill also requires OGA to assist the SEEC with its remaining duties and powers. Specifically, the SEEC retains the authority to:

1. levy civil penalties against individuals who violate campaign finance or election law;
2. issue orders, including cease and desist orders;
3. refer evidence to the chief state's attorney or attorney general; and
4. receive and determine complaints made under the Help America Vote Act.

The bill designates both the OGA executive director and the SEEC as the law enforcement agency for investigations of possible criminal election law violations for certain purposes under FOIA.

OGA's legal affairs and enforcement division assumes responsibility for investigating election and campaign finance complaints and providing advisory opinions. The public affairs and services division manages the commission's campaign finance disclosure duties and the Citizens' Election Program.

### **§§ 31-32 — Judicial Review**

The bill places the JRC in OGA's legal affairs and enforcement division and transfers the duties of the council's executive director to OGAs' executive director. It thus requires the legal affairs and enforcement division, rather than the JRC, to investigate complaints against judges, workers' compensation commissioners, and family support magistrates.

## **BACKGROUND**

### ***Department Heads***

By law, department heads serve at the pleasure of the governor, but not longer than four years from March 1 in the year of appointment, unless reappointed. The governor must make the nominations for all department heads by February 1 of the first year of the gubernatorial term. A nomination may be made to either chamber of the General Assembly. That chamber has sole responsibility for confirming the nomination.

The law requires department heads to be qualified by training and experience for the duties of their office. They must act as the governor's executive officer to accomplish their department's purposes. They must plan comprehensively and coordinate their agencies' programs, organize their agency to promote economy and efficiency, and designate deputies to act on their behalf when absent. They may abolish, transfer, or consolidate the parts of the agency; make regulations; enter into contracts; receive money, revenue, or services from the federal government, corporations, associations, or individuals; and create advisory boards.

They must devote their full time to their duties with the department

and may not engage in any other gainful employment (CGS §§ 4-5 to 4-8).

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea    12    Nay   2    (03/23/2011)